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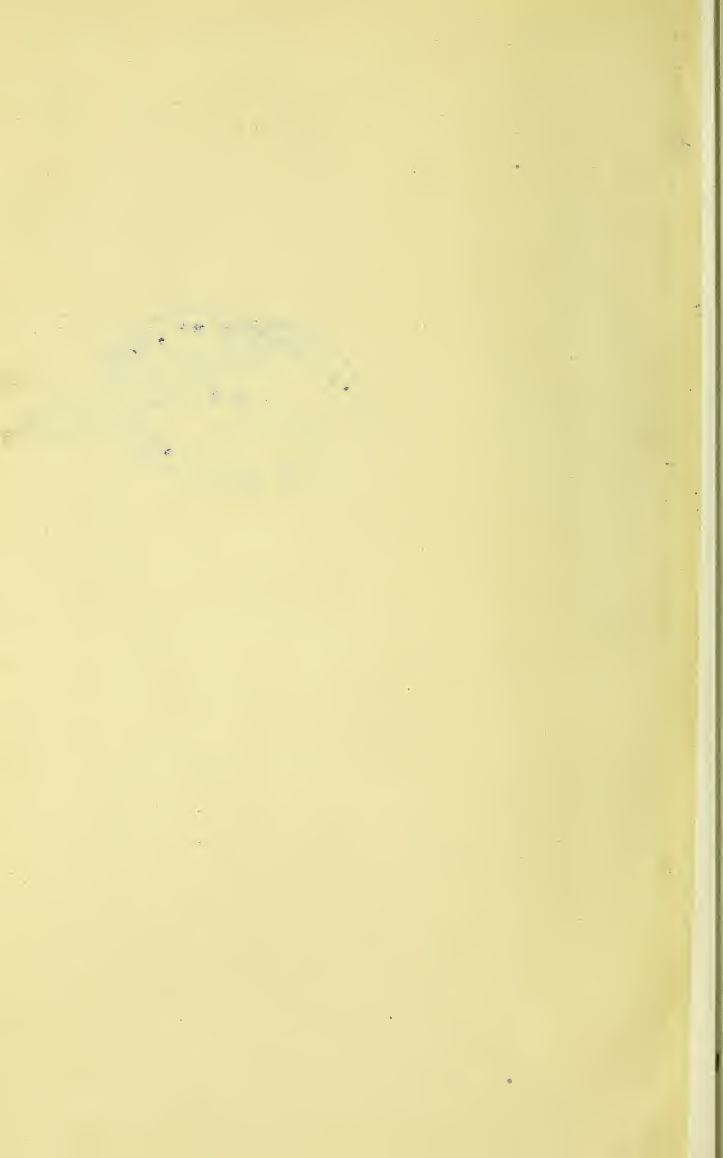
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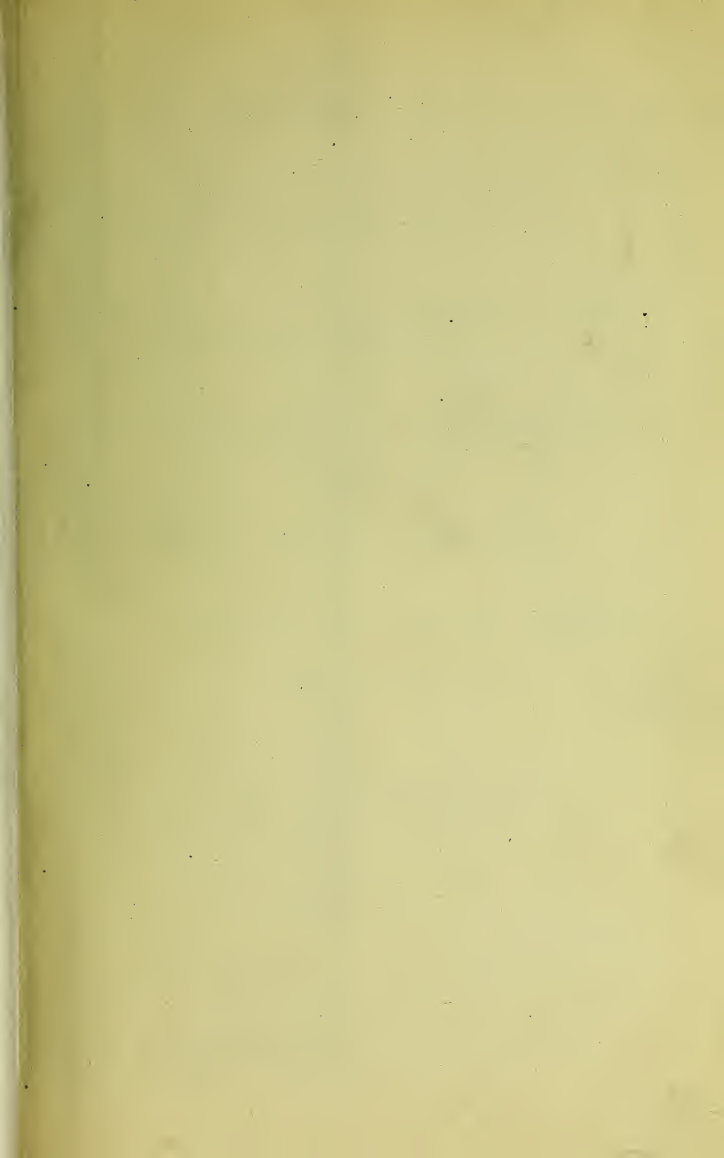


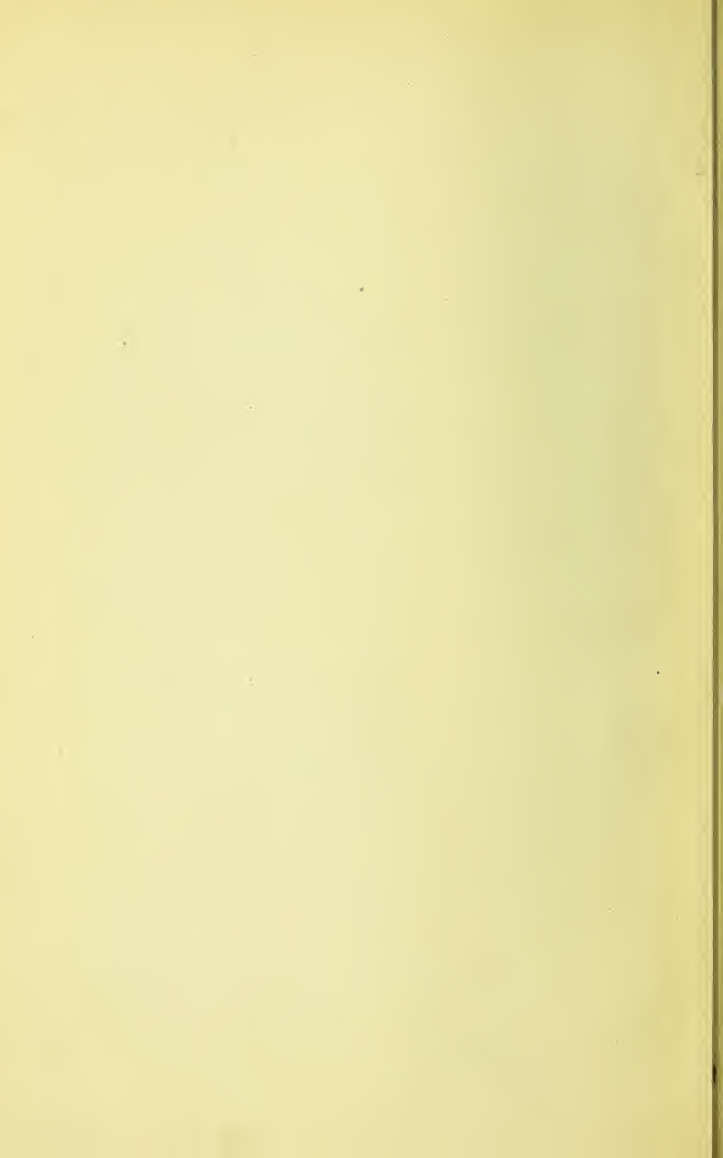
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THE  
STATUTES IN FORCE  
RELATING TO

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362.2

THE POOR LAWS;  
TO  
BOARDS OF GUARDIANS, DISTRICT SCHOOL AND ASYLUM  
MANAGERS, OVERSEERS,  
AND THE  
LOCAL GOVERNMENT BOARD,  
FROM  
43 ELIZ. c. 2, to 35 & 36 VICT. c. 93;  
TOGETHER WITH  
Digests of the Decisions of the Courts upon each Statute.  
IN TWO VOLUMES.

BY  
WILLIAM CUNNINGHAM GLEN,  
BARRISTER-AT-LAW.

VOL. II.

London:  
SHAW AND SONS, FETTER LANE,  
Law Publishers.

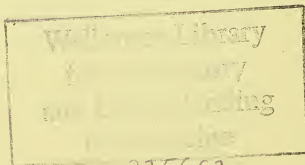
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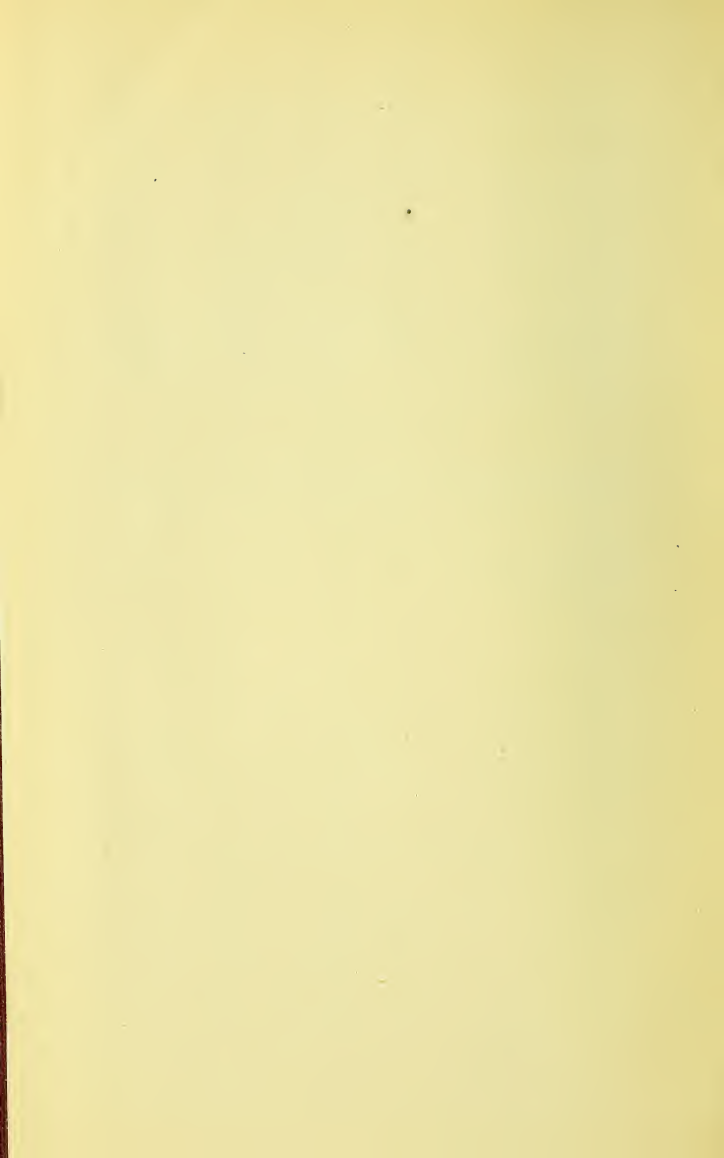
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# THE STATUTES IN FORCE

RELATING TO

THE POOR, GUARDIANS, OVERSEERS,  
UNIONS AND PARISHES.

1 VICT. CHAP. 22.

AN ACT to explain and amend two Acts passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages in England (a).

[30th June, 1837.]

\* \* \* \* \*

IX. It shall be lawful for the registrar general, with the consent of the poor law commissioners, to direct that any place lying wholly within but not being part of any union, parish, or place for which a board of guardians shall have been established under the provisions of an Act passed in the fourth and fifth years of His late Majesty King William the Fourth, intituled "An Act for the amendment and better Administration of the Laws relating to the Poor in England and Wales," shall be part of any one or more registrars districts within such union, parish or place, and within the superintendence of the superintendent registrar thereof, or if not lying wholly within any one such union, parish, or place as last aforesaid, then to be for those purposes annexed to such union, parish, or place as last aforesaid, as the registrar general, with the consent of the poor law commissioners, shall direct.

Provision for including extra-parochial places in registrar districts.

4 & 5 Will. IV. c. 76.

X. It shall be lawful for the registrar general, if he shall see fit, with the approval of one of Her Majesty's principal secretaries of state, to unite any two or more unions, parishes, or places for which a board of guardians shall have been established under the Act last aforesaid, or any two or more superintendent registrars districts into one superintendent registrar's district; and in every such case of union the registrar general shall declare by which board of guardians the superintendent registrar shall thenceforward be appointed; and the superintendent registrar of the union, parish, or place for which such board is

Registrar general may unite districts.

(a) See 34 & 35 Vict. c. 70, and Glen's Law relating to the Registration of Births, Deaths, and Marriages.

The statute above cited as "1 Vict." is in the statute book the "7 Will. 4 & 1 Vict."

established shall from the time of such union be the sole superintendent registrar of such united district; and every provision of the said Acts for marriages, and for registering births, deaths, and marriages, relating to superintendent registrars, and to the districts under their superintendence, and to boards of guardians within such districts, shall apply to every such superintendent registrar, and to every such district, and to the board of guardians so selected and declared; and all register boxes, keys, books, documents, and papers in the possession of any superintendent registrar who shall cease to be such under the provisions of this Act shall be delivered to the superintendent registrar of the united district, and may be recovered in the manner provided by the last-recited Acts, and shall be removed from the office of the person ceasing to be superintendent registrar to the office of the superintendent registrar of the united district; and the office of every superintendent registrar ceasing to be such under the provisions of this Act shall from the time of such union as last aforesaid cease to be a register office within the meaning of the said last-recited Acts, and it shall be lawful for the commissioners of Her Majesty's treasury, or any three of them, to cause to be repaid out of the consolidated fund such sum as the board of guardians shall have legally paid, or for which they may have lawfully become liable as such guardians, for the sole purpose of providing a register office; and in every case in which such union as last aforesaid shall be intended to take place the registrar general shall give public notice thereof, and of the time when the same shall take effect, by advertisement in the *London Gazette*, and in some newspaper circulating within the county; and every such union shall take effect from the day named in such advertisement in the *London Gazette*.

Registrar-general may divide unions or districts.

XI. It shall be lawful for the registrar general, if he shall see fit, with the approval of one of Her Majesty's principal secretaries of state, to divide any union, parish, or place, or any superintendent registrar's district into two or more superintendent registrar's districts, and notice of every such division shall be published in the *London Gazette*; and in every such case the guardians shall appoint a sufficient number of persons, with such qualifications as the registrar general may by any general rule declare to be necessary, to be superintendent registrars of the new districts, and shall also appoint the district for which the clerk to the guardians or other person who may have been theretofore appointed as superintendent registrar of the whole union, parish, or place shall continue to be superintendent registrar; and every provision of the said recited Acts for marriages, and for registering births, deaths, and marriages, relating to superintendent registrars, and the districts under their superintendence, shall apply to every superintendent registrar so appointed, and to the district for which he shall be so appointed.

As to locality of superin-

XII. The superintendent registrar's office shall be taken for the purposes of the said Act for marriages, and for registering

births, deaths, and marriages, and of this Act, to be within the district of which it is the register office, although not locally situated therein. tendent registrar's office.

XIII. In case any such board of guardians of any union, parish, or place as aforesaid shall not have divided such union, parish, or place into registrars districts, with the approval of the registrar general before the first day of July now next ensuing in case the said board was established before the first day of March now last past, or within three calendar months next after their establishment in case the said board shall have been established on or after the said first day of March, the poor law commissioners for England and Wales shall divide such union, parish, or place into registrars districts, and shall appoint a registrar to each of such districts, qualified according to the provisions of the said Act for registering births, deaths, and marriages; and every registrar so appointed shall hold his office during the pleasure of the registrar general. If guardians neglect to form registrars districts, poor law commissioners shall form them and appoint registrars thereto.

XIV. In every case in which the clerk to any such board of guardians shall not think fit or shall be disqualified to accept the office of superintendent registrar, and the guardians shall refuse or neglect during fourteen days after being required so to do by the registrar general to appoint a superintendent registrar properly qualified, and in every case of vacancy of the office of registrar or superintendent registrar in any such union, parish, or place, in which the guardians shall refuse or neglect during fourteen days after such vacancy to appoint a registrar or superintendent registrar properly qualified, the appointment shall lapse to the registrar general. If guardians neglect to appoint registrars or superintendent registrars the registrar-general to appoint them.

\* \* \* \* \*

XVII. Whenever there are two or more clerks to the guardians of any union, parish, or place established under the provisions of the said Act for amending the laws relating to the poor, one only of whom shall possess such qualifications as the registrar general by any general rule hath declared or shall declare to be necessary, or one only of whom shall think fit to accept the office of superintendent registrar of such union, parish, or place, such one shall be the superintendent registrar of such union, parish, or place (a); and if two or more of such clerks shall possess such qualifications as aforesaid, and be willing to accept such office, then such guardians shall elect and choose one of such clerks (possessing such qualifications as aforesaid) to be the superintendent registrar of such union, parish or place; and no other person shall be or be elected or appointed to be superintendent registrar of any such union, parish, or place, unless all the clerks to the board of guardians (possessing such qualifications as aforesaid) shall not think fit to accept such office. If more than one clerk to a board of guardians, which of them to be superintendent registrar.

XVIII. Every registrar of births and deaths and every registrar of marriages appointed under the provisions of the said Exemption of registrars from parochial

(a) See *Reg. v. Accason*, ante, p. 631.

and corporate offices.

Acts or either of them shall be freed and exempted from being returned and from serving on any jury or inquest, and from every parochial and corporate office whatever (a).

Guardians may borrow money or providing register offices.

XIX. For better enabling fit register offices to be provided, it shall be lawful for any such board of guardians to borrow money for that purpose, and to charge the amount of the sum borrowed on the future poor rates of the parish, union, or place of which they are the guardians, in the manner provided by the said Act for amending the laws relating to the poor with respect to monies borrowed for building workhouses for the relief of the poor; save only that the yearly instalments by which any money borrowed as aforesaid shall be repaid, shall not be less than one twentieth of the sum borrowed, with interest on the same, and need not be more in any one year.

If guardians neglect to provide a register office, commissioners of treasury may direct it to be provided.

XX. In any case in which any such board of guardians shall neglect or refuse to provide and uphold a register office according to the provisions of the said Act for registering births, deaths, and marriages, it shall be lawful for the commissioners of the treasury, or any three of them, on the application of the registrar general, to give directions for providing and upholding the same, and to expend a sum not exceeding three hundred pounds in providing the same, and also all sums needful for the repair and maintenance thereof from time to time, in case the guardians shall continue to refuse or neglect to repair and uphold the same; and it shall be lawful for the said commissioners, or any three of them, to make an order from time to time on such guardians for the repayment, out of the monies coming to their hands as such guardians, of all sums so to be from time to time expended, and such order shall be binding upon the said guardians, and the guardians shall also be bound to pay out of the monies coming to their hands as such guardians all costs and expences incurred by or under the direction of the said commissioners in making and enforcing such order.

Substitute for register office until the same is provided.

XXI. Until a register office shall be provided in any superintendent registrar's district the superintendent registrar shall appropriate some fit room or rooms to be approved by the registrar general, as the superintendent registrar's office of that district.

\* \* \* \* \*

Cost of parochial marriage register books

XXV. " And whereas by the said Act for registering births, deaths, and marriages, it is provided that the cost of all marriage register books and forms for certified copies thereof, fur-

(a) See 33 & 34 Vict. c. 77, s. 9.

#### EXEMPTION FROM SERVING OFFICE OF OVERSEER.

*Decision on sect. 18.*

The appointment of a person who is registrar of births, deaths, and marriages as an overseer of the poor is not void; in order to render it so, the overseer must appeal to the sessions under 43 Eliz. c. 2, s. 5: *Reg. v. Chester JJ.*, 4 Jur. 484.

nished to the rector, vicar, or curate of every church and chapel in England wherein marriages may lawfully be solemnized, shall be paid by the churchwardens and overseers of the parish or chapelry out of the monies in their hands as such churchwardens or overseers, and that the cost of register books of births and of register books of deaths, and of forms for certified copies thereof, shall be paid by the guardians or by the churchwardens and overseers (as the case may be) out of the monies coming to their hands or control as such guardians or churchwardens and overseers;" Be it enacted, for removing doubt as to the fund chargeable therewith, that the cost of all such books and forms shall be borne by the union, parish, or place in and for which the superintendent registrar is appointed who superintends the registrar for whose use such books were provided, or to whom such rector, vicar, or curate is by the said Act directed to deliver one copy of such register (b); \* \* \*

and forms,  
how to be  
defrayed.

XXVII. "And whereas it is required by the said Act for registering births, deaths, and marriages, that every rector, vicar, and curate shall register in duplicate the particulars of every marriage solemnized by him, one of which registers he is also required to deliver when filled to the superintendent registrar of the district in which such church or chapel may be situated, and also four times in every year to deliver to the said superintendent registrar a true copy, certified by him under his hand, of all the entries of marriages in the register book kept by him since the last certificate;" Be it enacted, that the said superintendent registrar shall pay or cause to be paid to the said rector, vicar, or curate the sum of sixpence for every entry contained in such certified copy, which sum shall be reimbursed to the said superintendent registrar by the guardians or overseers of the union, parish, or place for which he shall be appointed superintendent registrar as aforesaid, in like manner as by the said Act is provided for the payment of the registrar on production of his accounts to the superintendent registrar.

Clergyman to  
be paid for  
making regis-  
ter in dupli-  
cate.

### 1 VICT. CHAP. 33.

AN ACT for the Management of the Post Office.

[12th July, 1837.]

XII. And to the end that the post master general and his officers may not be hindered in their respective employments, be it enacted, that no post master general nor any officer of the post office shall be compelled to serve as a mayor or sheriff, or

Persons em-  
ployed by the  
post office  
exempted

(b) See 21 & 22 Vict. c. 25, s. 6.

from certain  
offices.

in any ecclesiastical or corporate or parochial or other public office or employment, or to serve on any jury or inquest (*a*), or in the militia; any law or custom to the contrary thereof notwithstanding.

\* \* \* \* \*

### 1 VICT. CHAP. 45.

AN ACT to alter the Mode of giving Notices for the holding of Vestries, of making Proclamations in Cases of Outlawry, and of giving Notices on Sundays with respect to various Matters.  
[12th July, 1837.]

58 Geo. III.  
c. 69.

“WHEREAS by an Act of parliament passed in the fifty-eighth year of the reign of His Majesty King George the Third, intituled ‘An Act for the Regulation of Parish Vestries,’ it is enacted, that no vestry or meeting of the inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some Sunday during or immediately after divine service, and by affixing the same, fairly written or printed, on the principal door of such church or chapel: And whereas by an Act passed in the thirty-first year of Queen Elizabeth it is enacted, that before any outlawry shall be had and pronounced proclamation shall be made at the door of the church or chapel of the town or parish where the defendant shall be dwelling immediately after divine service on a Sunday: And whereas by divers Acts relative to the assessing and collecting of highway and poor rates and land tax, and other matters, it is directed or required that public notice shall be given with reference to certain proceedings relating thereto respectively in the parish churches or chapels during divine service: And whereas by ancient custom notice is usually given in churches during divine service of the times appointed for holding courts leet, courts baron, and customary courts: And whereas it is expedient that such mode of giving notices should be altered;” Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act so much of the said first-recited Act as directs the publication of such notices to be made in the parish church or chapel on some Sunday during or immediately after divine service (*b*) shall be and the same is hereby repealed; and that from and

So much of the  
first-recited  
Act as directs  
publication of  
notices  
repealed.

(*a*) See 33 & 34 Vict. c. 77.

(*b*) See 58 Geo. 3, c. 69, s. 1.

after the first day of January next no proclamation or other public notice for a vestry meeting or any other matter shall be made or given in any church or chapel during or after divine service, or at the door of any church or chapel at the conclusion of divine service. Notices not to be given in churches during divine service, &c.

II. From and after the first day of January next all proclamations or notices, which under or by virtue of any law or statute, or by custom or otherwise, have been heretofore made or given in churches or chapels during or after divine service, shall be reduced into writing, and copies thereof, either in writing or in print, or partly in writing and partly in print, shall previously to the commencement of divine service on the several days on which such proclamations or notices have heretofore been made or given in the church or chapel of any parish or place, or at the door of any church or chapel, be affixed on or near to the doors of all the churches and chapels within such parish or place; and such notices when so affixed shall be in lieu of and as a substitution for the several proclamations and notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever (c). Notices heretofore usually given during or after divine service, &c. to be affixed to the church doors.

III. No such notice of holding a vestry shall be affixed on the principal door of such church or chapel unless the same shall previously have been signed by a churchwarden of the church or chapel, or by the rector, vicar, or curate of such Notices for holding vestries to be signed as here-in directed.

(c) See 33 & 34 Vict. c. 53, s. 3.

#### POSTING NOTICES ON CHURCH DOORS.

Under 1 Vict. c. 45, it is not necessary to affix the notice of allowance of a poor rate upon the doors of all the churches and chapels in a parish which is divided into several districts, each having a chapel of its own with separate officers, and making its own rates (and maintaining its own poor). The publication of the rate on the door of the church of the district for which it is made is sufficient: *Reg. v. Worcestershire JJ.*, 10 L. J. M. C. 12; 4 P. & D. 440; S. C. *Reg. v. Marriott*, 12 A. & E. 779. *Decisions on sect. 2.*

If a notice be affixed on the principal door of the church it will suffice: *Reg. v. Whipp*, 12 L. J. M. C. 64; *Ormerod v. Chadwick*, 16 L. J. M. C. 143.

A notice of a vestry meeting affixed on the parish church doors, and addressed "to the churchwardens, overseers, and principal inhabitants of this parish," is a valid notice, though it does not name the parish, and although it is addressed to the principal inhabitants: *Rand v. Green*, 7 Jur. (N. S.) 126.

The notice of allowance of a poor rate need not be signed; and a notice signed only by an overseer and assistant-overseer is good. The notice is to be affixed on the church door "previously to the commencement of divine service." The affixing of the notice before the evening service at six o'clock, was therefore held to be sufficient: *Burneley v. Methley*, 5 Jur. (N. S.) 914; 28 L. J. M. C. 152; 1 E. & E. 789; 23 L. T. 132.

Posting proclamations or notices upon the parish church is conditional upon there being a parish church. They may, when there is no church, as in the case of an extra-parochial place, as Barnard's Inn, be posted upon the door of the chapel of the Inn: *Finney v. Godfrey*, L. R. 9 Eq. 356; 21 L. T. (N. S.) 747.

parish, or by an overseer of the poor of such parish; but that every such notice so signed shall be affixed on or near to the principal door of such church or chapel.

Decrees, &c. of ecclesiastical courts not to be read in churches.

IV. And be it further enacted, that from and after the first day of January next no decree relating to a faculty, nor any other decree, citation, or proceeding whatsoever in any ecclesiastical court, shall be read or published in any church or chapel during or immediately after divine service.

Act not to extend to notices purely ecclesiastical.

V. Provided always, that nothing in this Act shall extend or be construed to extend to the publication of banns, nor to notice of the celebration of divine service or of sermons, nor to restrain the curate, in pursuance of the rules in the Book of Common Prayer, from declaring unto the people what holy days or fasting days are in the week following to be observed, nor to restrain the minister from proclaiming or publishing what is prescribed by the rules of the Book of Common Prayer, or enjoined by the Queen or by the ordinary of the place.

Extension of Act.

VI. All the provisions of this Act shall extend and be construed to extend to the town of Berwick-upon-Tweed, [*the Isle of Man* (a),] and the islands of Guernsey, Jersey, Alderney, and Sark.

## 1 VICT. CHAP. 50.

AN ACT to facilitate the Conveyance of Lands and Buildings for the Purposes of Two Acts passed respectively in the Fifth and Sixth Years of His late Majesty King William the Fourth.  
[15th July, 1837.]

“ WHEREAS an Act was passed in the fifth year of the reign of His late Majesty King William the Fourth, intituled ‘An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales:’ And whereas another Act was passed in the sixth year of the reign of His said late Majesty, intituled ‘An Act to facilitate the Conveyance of Workhouses and other property of Parishes and of Incorporations or Unions of Parishes in England and Wales:’ And whereas doubts are entertained as to whether the herein recited Acts respectively apply to lands or buildings or other hereditaments of copyhold or customary tenure; and it is expedient that such doubts should be removed, and that the provisions of the said Acts should be extended in some respects:”  
Be it therefore enacted and declared by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that

4 & 5 Will. IV. c. 76.

5 & 6 Will. IV. c. 69.

Provisions of recited Act to

the provisions of the said herein recited Acts apply to and comprise lands and buildings and other hereditaments of copyhold or customary tenure, as well as lands, buildings, and other hereditaments of freehold tenure<sup>(b)</sup>. extend to copyhold lands, &c.

II. Whenever any contract shall be entered into for the purposes of the said recited Acts or either of them, or of this Act, respecting any lands, buildings, or other hereditaments of copyhold or customary tenure, it shall be lawful for the poor law commissioners to direct that the difference in value of such lands or buildings or other hereditaments, as of copyhold or customary tenure, and the freehold or fee simple thereof, including therein the value of any fine, heriot, or customary due, payment, or rent, or any service capable of being valued, in respect of such land or building or other hereditaments, shall be ascertained by such means as they shall think fit; and that such difference in value when so ascertained shall be paid to or invested for the use and benefit of the lord of the manor of which such lands or buildings or other hereditaments shall be parcel, or such other person as would be entitled to the fines payable upon death or alienation of the same, or to such heriot, dues, payment, rent, or service respectively; and upon and from the making of such payment or investment such lands or buildings or other hereditaments shall thenceforth be deemed enfranchised, and for ever discharged from every fine, customary or copyhold, heriot, due, payment, rent, suit, or service; and such lands and buildings and other hereditaments shall thenceforth be and remain of the tenure of free and common socage: Provided always, that if any such lord of the manor or other person be under any legal disability, the powers of the said recited Acts, and of every other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons under disability to convey or otherwise dispose of and deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them: Provided also, that if such lord of the manor or other person be dissatisfied with such valuation, and shall within seven days after a tender made to him of the amount thereof, or after notice left at his last known place of residence, or with his known agent, of such amount being ready to be paid to him or invested as aforesaid, send notice by the post to the poor law commissioners of such dissatisfaction, it shall be lawful for the poor law commissioners to direct a further valuation to be made, at or within such period as they may see fit, by two valuers, one to be named by the poor law commissioners, and the other by such lord of the manor or other person, which two persons so named shall previous to their entering on their valuation name a third valuer to be referred to in case they disagree, and the award of such three valuers, or any two of them, shall be

Provision for enfranchisement of copyholds.

(b) See 20 & 21 Vict. c. 15.

binding on all parties; and on payment or investment, under the provisions of the said recited Acts or any of them, or of this Act, of the amount of such last-mentioned valuation, such lands or buildings and other hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the tenure of free and common socage : Provided always, that it shall be lawful for any overseers, guardians, lord of the manor, or other person to complete any voluntary agreement for the purchase and enfranchisement of any copyhold or customary lands, buildings, or other hereditaments, under the direction and with the approbation of the poor law commissioners, in like manner as if such agreement had been originally made under this Act, any thing in the said Acts or either of them, or in this Act, to the contrary notwithstanding; and in every such case, if any lord of the manor or other person be under legal disability, the power of the said recited Acts and of any other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons to convey or otherwise dispose of or deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them.

Steward of manor to enter certificate on rolls of the manor, and to furnish a parchment copy thereof to the poor law commissioners.

III. When and so soon as any such enfranchisement as aforesaid shall have been made it shall be lawful for the steward of the manor whereof the same lands or buildings were parcel, and he is hereby required, on receipt of a certificate of such valuation being made and enfranchisement effected, under the hands and seal of the poor law commissioners, to enter such certificate on the rolls or books of the said manor, and to furnish a copy of such entry, written on parchment, to the poor law commissioners, or to such person or persons as they may direct, and to certify the same to be a true extract under his hand; and such certificate or a copy thereof under the seal of the poor law commissioners shall thenceforth be evidence of such enfranchisement.

Mode of conveyance.

IV. All conveyances or instruments by way of sale or exchange, or assignment or security or transfer to be made under the authority of the said recited Acts or either of them, or of this Act, may be made in such form as the poor law commissioners shall by any order or orders signed by them and sealed with their common seal direct or approve of, or as near thereto as the number of parties, the nature of the interests, and the circumstances of each case will admit, and shall be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed, and without being enrolled.

## 1 VICT. CHAP. 69.

AN ACT to amend an Act for the Commutation of Tithes in England and Wales.

[15th July, 1837.]

“ WHEREAS an Act was passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled ‘ An Act for the Commutation of Tithes in England and Wales ;’ 6 & 7 Will. IV. and it is expedient to amend the said Act in certain respects :” c. 71.  
Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same. \* \* \*

II. Two-thirds in value of the owners of the lands in any parish or district of which the tithes are to be commuted, and respecting the boundaries of which any dispute or doubt shall arise, may by writing under their hands or the hands of their agents, signed at a parochial meeting called for that purpose according to the provisions of the said Act, in the case of a parochial meeting for make\* a voluntary agreement for the commutation of the tithes of a parish, signify their request to the tithe commissioners that the said commissioners should inquire into and settle such boundaries ; and thereupon the said commissioners, or any assistant commissioner specially appointed under their hands and seal for that purpose, shall, by examination of witnesses upon oath (which oath the said commissioners or assistant commissioner are and is hereby empowered to administer), and also using any other powers contained in the said Act, and by such other legal ways and means as they or he shall think proper, inquire into, ascertain, and set out the boundaries of that parish or district : Provided always, that such commissioners or assistant commissioner (before they or he proceed to set out the boundaries of such parish or district) shall give public notice of their or his intention, by writing under their or his hands or hand, to be affixed on the most public doors of the churches of that parish or district, and of every parish and district thereunto adjoining, and also by advertisement to be inserted in some newspaper circulated in the county in which such parish or district is situated, and also by writing to be delivered to or left ten days at least before the time of setting out such boundaries at the last or usual place of abode of the respective land owners, or the respective agents of such land owners, through or abutting upon whose lands the boundaries of such parish or district are supposed to pass ; and such commissioners or assistant commissioner shall, within one month after ascertaining and setting out the boundaries, publish the same by causing a description thereof in writing to be delivered to or left at the place of abode of one of

For determining parochial boundaries.

\*(Sic.)

the churchwardens or overseers of the poor of the parish or district of which the boundary shall be so set out, and of every parish or district thereunto adjoining, and also of every land owner or his agent through or abutting upon whose lands the boundary so set out shall pass (a).

Judgment of  
commissioners  
respecting  
boundaries  
may be re-  
moved by  
*certiorari*.

III. Any person interested in the judgment or determination of the said commissioners or assistant commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within six calendar months next after the publication of the said boundaries, by delivering or leaving such description as aforesaid, move the Court of Queen's Bench to remove the said judgment by *certiorari* into the said court, the party making such application giving eight days' notice of such application, and of the matter and ground thereof, in writing, to the said commissioners; and the decision of the said commissioners or assistant commissioner, or, in case of removal, as aforesaid, the decision of the said court therein, shall be final and conclusive, as to the boundaries of such parish or district, for all purposes whatsoever; and after the expiration of the said term of six calendar months, the judgment shall not be removed or removable by *certiorari* or any other writ or process whatsoever into any of Her Majesty's courts of record at Westminster or elsewhere; and no *certiorari* shall be allowed to remove any such judgment unless the party prosecuting the *certiorari* shall before allowance thereof enter into a recognizance before one of the justices of the said court, in the sum of fifty pounds, with condition to prosecute the same without wilful delay, and to pay to the said commissioners their full costs and charges within one calendar month after the judgment shall be confirmed, to be taxed according to the custom of the court.

\* \* \* \* \*

For the assess-  
ment and re-  
covery of rates.

VIII. All rates and charges to which any rent-charge payable in lieu of tithes shall be liable may be assessed upon the owner of the rent-charge, and the whole or any part thereof may be recovered from any one or more of the occupiers of the lands out of which such rent-charge shall issue, in case the same shall not be sooner paid by the owner of the rent-charge upon whom the same shall be assessed, in like manner as any poor

(a) See 6 & 7 Will. 4, c. 71, s. 64; c. 15, s. 18; 5 & 6 Vict. c. 54, s. 13; 2 & 3 Vict. c. 62, s. 34; 3 & 4 Vict. 8 & 9 Vict. c. 118, s. 39.

#### PARISH BOUNDARIES.

*Decisions on  
sect. 2.*

The tithe commissioners cannot, under 1 Vict. c. 69, s. 2, at the request of two-thirds in value of the land owners, settle disputes as to the boundaries of parishes, if the boundary be also a boundary between counties: re *Ystradgunlais*, 8 Q. B. 32.

An award by the tithe commissioners under 1 Vict. c. 69, and 2 & 3 Vict. c. 62, as to the boundary of a parish is not conclusive as to what was the boundary prior to the time when the award was made: *Reg. v. Madeley*, 15 Q. B. 43; 19 L. J. M. C. 187; 14 J. P. 589.

rate assessed on such occupier or occupiers in respect of such lands may be recovered, upon giving to such occupier twenty-one days notice in writing previous to any one of the half-yearly days of payment of the rent-charge, and the collector's receipt for the payment of such rates and charges, or of any part thereof, shall be received in satisfaction of so much of the rent-charge by the owner thereof; but no occupier shall be liable to pay at any one time, in respect of such rates and charges, any greater sum than the rent-charge payable in respect of the lands occupied by him in the same parish shall amount to for the current half year in which such notice shall have been given.

\* \* \* \* \*

XIV. This Act shall be taken to be a part of the said Act for the Commutation of Tithes in England and Wales.

This Act to be  
taken as part of  
6 & 7 Will. IV.  
c. 71.

### 1 VICT. CHAP. 78.

AN ACT to amend an Act for the Regulation of Municipal Corporations in England and Wales.

[17th July, 1837.]

\* \* \* \* \*

XXIX. "And whereas the limits of boroughs in some cases extend over parts of parishes, townships, and places, parochial or otherwise, leaving the remainder of such parishes, townships, and places without the limits of such boroughs; and doubts have arisen whether the said Act contains provisions under which the share which ought to be paid by the parts included within the limits of any borough of any borough rate to be levied in pursuance of the same Act can be assessed and levied upon such parts exclusively of the remainder not within the limits of the borough;" Now be it enacted, that the overseer or overseers of the poor within any parish, township, or place whereof part lies within the limits of a borough as aforesaid, or any person or persons who in pursuance of the powers contained by reference in the said Act, shall be appointed to act as overseer or overseers, shall and may and is and are hereby empowered to levy and raise, in manner directed by the said Act, upon such part exclusively of any parish, township, or place as is situate within the limits of such borough, such sum or sums of money as shall be required to pay every borough rate (including rates already paid by such overseer or overseers or other person or persons) assessed and to be hereafter assessed under the authority in the said Act, upon such part of any such parish, township, or place as lies within the limits of such borough (b).

Overseers may  
levy borough  
rates on parts  
exclusively of  
any parish  
within the  
limits of the  
borough.

\* \* \* \* \*

(b) See 7 Will. 4 & 1 Vict. c. 81, s. 3; and 2 & 3 Vict. c. 28.

## 1 VICT. CHAP. 81.

AN ACT to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in England and Wales (*a*).  
[17th July, 1837.]

6 Will. IV.  
c. 76.

Payment of  
watch rate.

\*(*Sic*.)

“WHEREAS by an Act passed in the sixth year of the reign of His late Majesty, intituled ‘An Act to provide for the Regulation of Municipal Corporations in England and Wales,’ authority was given to the council of any borough in certain cases to levy a borough rate, and in certain other cases to levy a watch rate, and the same powers and authorities were thereby given to them for that purpose as by law are given to justices of the peace at sessions with respect to a county rate (*b*): And whereas no authority is thereby given to the churchwardens or overseers of the poor of any parish or place, or other persons, who may thereby be legally ordered to pay or levy such rate, to pay the same out of the poor rate of such respective parishes or places, or otherwise to levy the same upon the inhabitants thereof:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in all cases where by the said Act or by this Act a borough rate or watch rate may be made and levied in any borough, the council of such borough may order the churchwardens and overseers of every parish or place within which such rate may be levied, or such other persons as by law may make a poor rate for any such parish or place within the limits of such borough, to pay the amount of such part and portion of such rate for which such parish or place respectively shall be liable out of the poor rate made and collected or to be made or collected for such parish or place; or the said council, instead of ordering such churchwardens and overseers or other persons to pay the same out of the poor rate, may order them to make and collect a certain pound rate upon and from the occupiers or possessors of all rateable property within which\* such parish or place, for the amount of the rate for which such parish or place may be liable as aforesaid; and if such churchwardens, overseers, and other persons, upon being so ordered to pay such rate out of the poor rate, or to make and collect a pound rate as aforesaid, shall refuse or neglect to do so, the amount thereof may be made and levied off the goods of them or any of them by distress by virtue of a warrant in that behalf under the hand and seal of the mayor of such borough or of any two justices of the peace in and for the same; or if any person liable to pay such pound

(*a*) See 5 & 6 Will. 4, c. 76; 7 Will. 4 & 1 Vict. c. 78, s. 29; 2 & 3 Vict. c. 28.

(*b*) See 5 & 6 Will. 4, c. 76, s. 92.

rate shall neglect or refuse to pay the same, the amount thereof may be levied upon his goods by distress in like manner.

II. It shall be lawful for the council of any such borough, at any time within six calendar months next after the passing of this Act, to make and levy a borough rate for the purpose of defraying any expences incurred before the passing of this Act in putting in execution the provisions of the said Act for regulating corporations; and every such rate shall be made, levied, and recovered in the manner provided by the said Act for regulating corporations and by this Act.

III. Provided always, that in every case in which any parish or place liable to support its own poor shall be partly within and partly without any such borough (c), and in the case of every extra-parochial place wholly or partly within any such borough, the council of the borough shall appoint one or more proper person or persons to act as overseer or overseers within that part of such parish or any such place which is within the borough, for making, levying, and collecting any such borough rate or watch rate therein; and in every such case of a divided parish or place, if the borough is not liable to the county rate, the justices of the peace having jurisdiction over that part of such parish or place which is not within the borough shall appoint one or more proper person or persons to act as overseer or overseers within that part of such parish or place which is not within the borough, for making, levying, and collecting the county rate therein; and the person or persons so respectively to be appointed shall have the like powers vested in him or them, and shall be subject to the same regulations and penalties, for levying and collecting any such borough rate, watch rate, or county rate within that part of such parish or place for which he or they is or are appointed, as if he or they was or were appointed overseer or overseers of the poor under any law or laws now or hereafter to be in force.

(c) See 12 & 13 Vict. c. 65, s. 6, collecting the borough rate in divided parishes or places, and also 20 Vict. c. 19, s. 1.

#### MANDAMUS TO OVERSEERS.

A *mandamus* will not lie to enforce from the overseers of a township in a municipal borough the quota of a pound rate towards the borough fund payable by the township, a remedy by distress warrant under the hand and seal of the mayor being given by 1 Vict. c. 81, s. 1: *Reg. v. Hunslet*, 33 L.T. 104; 23 J.P. 276; 28 L. J. M. C. 180; 5 Jur. (N. S.) 913; E. & E. 775.

*Decision on sect. 1.*

## 1 &amp; 2 VICT. CHAP. 14.

AN ACT to repeal so much of an Act of the Thirty-ninth and Fortieth Years of King George the Third as authorizes Magistrates to commit to Gaols or Houses of Correction Persons who are apprehended under circumstances that denote a Derangement of Mind and a Purpose of committing a Crime; and to make other Provisions for the safe Custody of such Persons.

[30th March, 1838.]

39 & 40  
Geo. III. c. 94.

“WHEREAS by an Act passed in the thirty-ninth and fortieth years of the reign of His late Majesty King George the Third, intituled ‘An Act for the safe Custody of Insane Persons charged with Offences,’ it was amongst other things enacted, ‘that if any person should be discovered and apprehended under circumstances that denote a derangement of mind and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, and any of His Majesty’s justices of the peace before whom such person may be brought shall think fit to issue a warrant for committing him or her as a dangerous person suspected to be insane, such cause of commitment being plainly expressed in the warrant, the person so committed shall not be bailed except by two justices of the peace, one whereof shall be the justice who has issued such warrant, or by the court of general quarter sessions, or by one of the judges of His Majesty’s courts in Westminster Hall, or by the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal;’ and it is expedient to repeal so much of the said Act as has been hereinbefore recited, and to make other provisions for the safe custody of such persons:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said Act as is hereinbefore recited shall be and is hereby repealed (a).

Recited Act in part repealed.

Persons in custody under the repealed provisions of recited Act, or hereafter apprehended as insane or dangerous idiots, may be sent to lunatic asylums.

II. In all cases where any person shall be in custody at the time of the passing of this Act under or by virtue of any warrant for commitment made or issued by any of Her Majesty’s justices of the peace under the authority of the said hereinbefore recited provisions of the said Act of the thirty-ninth and fortieth years of His late Majesty King George the Third, and hereby repealed, and if at any time after the passing of this Act any person shall be discovered and apprehended under circumstances that denote a derangement of mind and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, it shall and may be lawful for any two justices of the peace of the county, city, borough, or place where such person shall be so kept in

custody or apprehended to call to their assistance a physician, surgeon, or apothecary, and if upon view and examination of the said person so in custody or apprehended, or from other proof, the said justices shall be satisfied that such person is insane or a dangerous idiot, the said justices, if they shall so think fit, by an order under their hands and seals, directed to the keeper of the gaol or house of correction, if in custody at the time of passing this Act, or if hereafter apprehended, to the constable or overseers of the poor of the parish, township, or place where such person shall be apprehended, shall cause the said person to be conveyed to and placed in the county lunatic asylum, provided there be one situated within or belonging to the county in which such person shall be in custody at the time of passing this Act, or shall be hereafter apprehended, and if there be no such asylum, then to some public hospital, or some house duly licensed for the reception of insane persons (*b*); and it shall be lawful for the said justices to inquire into and ascertain, by the best legal evidence that can be procured under the circumstances of personal legal disability of such insane person or dangerous idiot, the place of the last legal settlement of such person (*c*); and it shall and may be lawful for such two justices to make an order under their hands and seals upon the overseers or churchwardens of such parish, township, or place where they adjudge him or her to be legally settled, to pay all reasonable charges of examining such person, and conveying him or her to such county lunatic asylum, public hospital, or licensed house, and to pay such weekly sum for his or her maintenance in such place of custody as they or any two justices shall, by writing under their hands, from time to time direct; and where such place of settlement cannot be ascertained, such order shall be made upon the treasurer of the county, city, borough, or place where such person shall have been in custody or apprehended (*d*): Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from taking such insane person or dangerous idiot under their own care and protection, if he shall enter into sufficient recognition for his or her peaceable behaviour or safe custody, before two justices of the peace, or the court of quarter sessions, or one of the judges of Her Majesty's courts in Westminster Hall: Provided always that the churchwardens and overseers of the parish in which the justices shall adjudge any insane person or dangerous idiot to be settled may appeal against any such order to the next general quarter sessions of the peace to be holden for the county where such order shall be made, in like manner and under like restrictions and regulations as against any order of removal (*e*), giving reasonable notice thereof to the

Justices may inquire into settlement of lunatics or dangerous idiots and make order for payment of their maintenance, &c.

If settlement cannot be ascertained. Nothing herein to prevent relations from taking lunatics under their own care.

Appeal.

(*b*) See 16 & 17 Vict. c. 96, s. 33; c. 11, ss. 9, 10; 8 & 9 Will. 3, c. 30, and 16 & 17 Vict. c. 97, s. 133. s. 13; 35 Geo. 3, c. 101; 4 & 5

(*c*) 16 & 17 Vict. c. 97, s. 97. Will. 4, c. 76, s. 80; 11 & 12 Vict.

(*d*) See *ib.* s. 98. c. 31; and 16 & 17 Vict. c. 97,

(*e*) 14 Car. 2, c. 12, s. 1; 5 W. & M. s. 108.

clerk of the peace of the county, riding, or division, or to the town clerk of the city, borough, or place, as the case may be, upon whose rates the burden of maintaining such insane person or dangerous idiot may fall, if such order should be invalid, and such clerk of the peace or town clerk shall be respondent in such appeal, which appeal the justices of the peace assembled at the said general quarter sessions are hereby authorized and empowered to hear and determine, in the same manner as appeals against orders of removal are now heard and determined.

Persons proved not to be insane may be liberated.

III. If upon examination it shall appear to the physician, surgeon or apothecary present at the examination of any person in custody at the time of passing this Act as aforesaid, that he or she is not an insane person or a dangerous idiot, and that such person may be suffered to go at large with safety, it shall and may be lawful for such medical person and he is hereby required to give a certificate to that effect, signed by him, to the visiting justices of the gaol or house of correction in which such person is in custody, who are hereby required to transmit the same forthwith to Her Majesty's principal secretary of state for the home department, who, if he shall so think fit, shall order the liberation of such person from custody.

Act not to alter laws relating to the discharge of recovered lunatics.

IV. Nothing herein contained, except where otherwise expressly mentioned, shall alter the laws relating to the discharge of persons who may cease to be insane or dangerous idiots from any county lunatic asylum, public hospital, or house duly licensed for the reception of insane persons, nor authorize the removal by any parish officer of any poor person from such asylum, public hospital, or licensed house, without an order for that purpose made by two justices of the peace for the county in which such house shall be situated, after due inquiry into the circumstances of the case, unless such person shall have been discharged as cured (a).

Extent of Act. V. This Act shall extend only to England and Wales.

\* \* \* \* \*

(a) See 16 & 17 Vict. c. 97, ss. 79-88.

#### NOTICE OF SERVICE OF CHARGEABILITY.

Decisions on sect. 2.

The provisions in sect. 2 as to appeals come into operation only when an appeal has been commenced; and therefore the keeper of the asylum is a proper person to serve the notice of chargeability, and other documents required by the poor law Acts to be sent to the overseers of the parish to be affected by the order of adjudication: *Reg. v. Clerk of the Peace of York, W. R.*, 20 L. J. M. C. 18.

#### JURISDICTION OF JUSTICES.

The jurisdiction of the two justices to inquire into the settlement of the lunatic is not limited to the time of making the order by which he is conveyed to the asylum, but may be exercised at any subsequent time; and no order can be made on the county for the expenses until they have inquired into and failed to ascertain the place of settlement: *Reg. v. Clerk of the Peace of York, W. R.*, 20 L. J. M. C. 18.

## 1 &amp; 2 VICT. CHAP. 25.

AN ACT to explain and amend an Act of the Seventh Year of His late Majesty for extending the Period for the Repayment of Loans made under an Act passed in the Fourth and Fifth Years of His late Majesty for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.

[11th June, 1838.]

“ WHEREAS by an Act passed in the session of parliament holden 4 & 8 Will. IV. in the fourth and fifth years of the reign of His late Majesty c. 76. King William the Fourth, intituled ‘ An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,’ power is given to the overseers or guardians of any parish or union, in certain cases, to borrow money for the purpose of building, altering, enlarging, purchasing or hiring a workhouse or workhouses, or for purchasing or hiring land in order to build a workhouse or workhouses thereon; and it is by the said Act provided, that any sum of money borrowed for any of such purposes shall be repaid by annual instalments of not less than one-tenth of the sum borrowed, with interest on the same, in any one year *(b)*; And whereas by an Act passed in the session of parliament holden in the sixth and seventh years of the reign of His said late Majesty, intituled ‘ An Act to extend the period for the Repayment of Loans 6 & 7 Will. IV. under an Act passed in the fourth and fifth years of His present c. 107. Majesty, for the Amendment and better Administration of the Laws relating to the poor in England and Wales,’ reciting that several loans had been made by the exchequer loan commissioners, and by private persons, to divers parishes and unions, the amount whereof, or a large part whereof was still due, it is enacted, that when any money should have been so borrowed by any parish or union, under the direction or with the sanction of the poor law commissioners, it should be lawful for the exchequer loan commissioners, with the approbation of the commissioners of the treasury of the United Kingdom of Great Britain and Ireland, or for any private persons, to extend the repayment of the principal sum borrowed or to be borrowed under the provisions of the first hereinbefore recited Act to such a period as, calculating from the date of the charge on the poor rates of such parish or union, would extend the repayment thereof to a period not exceeding twenty years, instead of ten years *(c)*; And whereas divers loans have been made by various incorporated companies to divers parishes and unions under the

*(b)* See 4 & 5 Will. 4, c. 76, s. 24.      *(c)* See 6 & 7 Will. 4, c. 107, s. 1.

Provisions of  
6 & 7 Will. IV.  
c. 107, ex-  
tended to  
loans made by  
chartered or  
incorporated  
companies.

Making pro-  
vision for  
liquidation of  
loans for the  
building or  
enlarging of  
workhouses.

provisions of the first hereinbefore recited Act, the amount whereof or a very large part thereof is still due, and further loans may hereafter be made by such companies : And whereas doubts have been entertained whether the said Act so passed in the session of parliament holden in the sixth and seventh years of the reign of His said late Majesty is applicable to the case of loans so made or to be made by incorporated companies ; and it is expedient that such doubts should be removed :” Be it therefore declared and enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all the powers, authorities, and provisions contained in the said Act of the session of parliament holden in the sixth and seventh years of the reign of His said late Majesty shall be deemed and taken to apply, extend, and relate to all loans which have been or shall hereafter be effected or made by any chartered or incorporated company or corporation in the same manner, to all intents and purposes, as if such loan had been made by a private person (a).

II. “ And whereas previous to the passing of the first hereinbefore recited Act, divers sums of money have been frequently lent to churchwardens and overseers of parishes or townships, or to other persons, on behalf of parishes or townships, to be applied for the purpose of building, altering, enlarging, purchasing, and fitting up houses for the reception of the poor, or of purchasing or hiring land in order to erect buildings thereon, or for other purposes permanently beneficial to such parishes or townships ; but in many cases there exist no funds out of which the repayment of such sums can be legally enforced : And whereas it is expedient to make such provision as hereinafter is mentioned for the liquidation of such loans as aforesaid” (b) ; Be it therefore enacted, that it shall be lawful for the guardians of any union, or of any parish placed separately under a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or for the person or persons who were the guardians or guardian, trustees or trustee, of any dissolved union, at the time of its dissolution, or who had been the last acting guardians thereof, or a majority of such guardians, trustees, or persons, with the approbation and subject to the rules, orders and regulations of the poor law commissioners, to apply the produce arising from the sale of any workhouses or other property belonging to any such union, or to any parish comprised in such union, or to any parish placed separately under a board of guardians, or belonging or which did belong to such dissolved union, which has already been or may hereafter be sold under the provisions of the secondly

(a) See 24 & 25 Vict. c. 55, s. 9 ; 31 & 32 Vict. c. 122, s. 35 ; and 32 & 33 Vict. c. 45.

(b) See 5 Vict. c. 18, s. 4.

hereinbefore recited Act (after deducting the reasonable expences of such sale), in liquidation of any debts, liabilities, or engagements incurred or made by or on behalf of any such union, or of any parish therein, or of any separate parish or dissolved union respectively, which the poor law commissioners shall consider to constitute a fair and just claim against any such union or parish, notwithstanding that the payment of any such debt, liability, or engagement may not be capable of being legally enforced: Provided always, that no such application as hereinbefore is mentioned of the produce of the sale of the property of any parish shall be made except with the consent of a majority of the ratepayers of such parish, and of the owners of property therein entitled to vote under and by virtue of the said first recited Act, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given in like manner as notices of vestry meetings are published and given, such majority to be ascertained in manner provided by the said first recited Act.

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### 1 & 2 VICT. CHAP. 38.

AN ACT to amend an Act for punishing idle and disorderly Persons and Rogues and Vagabonds.

[27th July, 1838].

“ WHEREAS it is expedient to alter and amend an Act passed in the fifth year of the reign of His late Majesty King George the Fourth, intituled ‘ An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds in that part of Great Britain called England :’ Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that when any person aggrieved by any act or determination of any justice or justices of the peace out of sessions, in or concerning the execution of the said Act, shall have appealed against such act or determination according to the provisions of the said Act, and shall thereupon have been discharged out of custody, and such person shall not personally appear and prosecute such appeal at the general or quarter sessions according to the recognizance entered into on such appeal, it shall be lawful for the justices assembled at such general or quarter sessions, or for any justice of the peace for the county or place in which such person shall have been convicted, on proof of the said conviction, and on proof by certificate under the hand of the clerk of the peace for the said county or place or of the person acting as his deputy that the person so convicted did not

5 Geo. IV. c. 83.  
Persons convicted, being discharged out of custody on having appealed against conviction and not appearing to prosecute such appeal,  
may be re-committed.

personally appear to prosecute such appeal, to issue a warrant for the apprehension and committal of such person for such period of time as, together with the days during which such person so convicted shall have been imprisoned (if any) previous to being discharged by reason of appeal, shall complete the full term for which such person was adjudged to be imprisoned at the time of his or her said conviction (a).

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## 2 & 3 VICT. CHAP. 28.

AN ACT for more equally assessing and levying Watch Rates in certain Boroughs (b).

[19th July, 1889.]

5 & 6 Will. IV.  
c. 76.

“ WHEREAS by reason of the restrictions contained in an Act passed in the sixth year of the reign of His late Majesty, intituled ‘ An Act to provide for the Regulation of Municipal Corporations in England and Wales,’ the watch rate authorized by the said Act to be levied upon those parts of the boroughs within the provisions of the said Act which are regularly watched is insufficient for that purpose, and the deficiency in many cases is paid out of the borough rate, to which all parts of the borough, whether or not regularly watched, are liable : ” For remedy thereof be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the passing of this Act it shall be lawful for the council of any borough named in either of the schedules to the said Act to levy a watch rate upon the occupiers of all messuages, lands, tenements, and hereditaments within those parts of the borough which shall be watched by day and by night, and which from time to time, by any order of the council of any such borough, shall be declared liable to such watch rate ; and every such rate shall be made upon an estimate of the net annual value of the several hereditaments rated thereunto, that is to say, of the rent at which, one year with another, the same might in their actual state be reasonably expected to let from year to year, the probable annual average cost of the repairs, insurances, and other expences (if any) necessary to maintain the hereditaments in their actual state, and all rates, taxes, and public charges, except tithes or tithe commutation rent-charges (if any), being paid by the tenant (c), and either by one rate made yearly, or by two or more rates made half-yearly or otherwise : Provided

Watch rate  
may be levied  
not exceeding  
6d. in the  
pound, or in  
certain cases  
the average  
rate.

(a) See 5 Geo. 4, c. 83, s. 14.

(b) See 5 & 6 Will. 4, c. 76 ; 7 Will. 4 & 1 Vict. c. 78 ; and 7 Will. 4 & 1 Vict. c. 81.

(c) See 6 & 7 Will. 4, c. 96, s. 1.

always, that no such rate shall exceed, in any one year, the rate of [*sixpence in the pound*] (d) on the net annual value of the hereditaments rated thereunto, unless in those boroughs in which, at the time of passing the said Act, the sum authorized by the said Act to be levied by way of watch rate exceeded the sum which might have been then raised by the said rate of sixpence in the pound; and in such cases as last aforesaid it shall be lawful to levy a watch rate under this Act upon all the hereditaments liable thereunto, at such rate as would have sufficed to raise such greater sum: Provided also, that nothing herein contained shall be construed to extend to either of the universities, so as to make the members thereof liable to pay to any rate to be made in pursuance of this Act to which the said universities or the members thereof were not liable to contribute before the passing of this Act, nor shall be deemed to affect the liability of the borough fund to make good any deficiency of the watch rate towards the expences of the police, should any such deficiency arise, nor to make liable to the watch rate any lands, tenements, or hereditaments which are now exempted by any local Act from the payment of watch rates, or to alter the comparative liability of any lands, tenements, or hereditaments to the watch rate, which by any local Act are now, in respect of any watch rate, entitled to any deduction from or chargeable with any increase upon an equal pound rate; but the like comparative deductions and increased charges shall be made in respect of such hereditaments in the rates to which such hereditaments shall be rated under this Act.

II. For the purposes aforesaid the council of every such borough, and all other persons interested or concerned therein, shall have all the powers heretofore given to them respectively, in the matter of the borough rate and watch rate or either of them, by the said Act or by any other subsequent Act, for ordering, making, assessing, levying, raising, collecting, or paying the same, or as near thereto as the nature of the case will admit.

As to the powers of the council of any borough.

## 2 & 3 VICT. CHAP. 51.

AN ACT to regulate the Payment and Assignment in certain cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance. [17th August, 1839.]

WHEREAS an Act was passed in the fifty-ninth year of the 59 Geo. III. reign of His late Majesty George the Third, intituled "An Act c. 12. to amend the Laws for the Relief of the Poor:" And whereas

(d) See 22 & 23 Vict. c. 32, ss. 5, 6.

### PROPERTY LIABLE TO BE RATED.

All property within a borough, although situate more than 200 yards distant from any street or continuous line of houses, is subject to the rate, and there is nothing in the subsequent Act, 3 & 4 Vict. c. 28, limiting that liability: *Great Western Railway Company, app., Maidenhead, resp.,* 26 J. P. 776; 11 C. B. (N. S.) 653. *Decision on sect. 1.*

6 Geo. IV.  
c. 27.

Part of  
59 Geo. III.  
c. 12, and  
whole of  
6 Geo. IV.  
c. 27, repealed.

Guardians  
may require  
the payment  
of pensions to  
be made to  
them for relief  
given by ad-  
mission of  
pensioners  
into the  
workhouse.

another Act was passed in the sixth year of the reign of his late Majesty King George the Fourth, intituled "An Act for extending to Scotland certain Provisions of an Act for the Relief of the Poor, in so far as the same relate to Parochial Relief to Chelsea and other Pensioners:" And whereas it is expedient to alter and amend the said Act of the fifty-ninth year of the reign of his late Majesty King George the Third, and to repeal the said Act of the sixth year of the reign of King George the Fourth, and to make other provisions with relation to army, naval, and other pensions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand eight hundred and forty, so much of the said Act of the fifty-ninth year of the reign of his late Majesty King George the Third as directs or authorizes the assignment of any pension, superannuation, or other allowance granted in respect of service in the navy, royal marines, army, or ordnance for the indemnity or reimbursement of parishes, and as directs and authorizes justices to order payment to parish officers of any such pensions, upon any pensioner or other person entitled thereto leaving his wife or family chargeable to any parish, and also the whole of the said Act of the sixth year of his late Majesty King George the Fourth, shall be and the same are hereby repealed.

II. When relief shall be given to any person entitled to or in receipt of any army or naval pension (a), or any superannuation or other allowance in respect of his service in the army, navy, marines, or ordnance, or any other branch of the military service, or in any civil branch of the army, navy, marines, or ordnance, or to his wife, or to any person whom he may be liable to maintain, by admission of such pensioner, his wife, or person into the workhouse of any union or parish, it shall be lawful for the guardians of such union, by minute, in the form in the schedule to this Act annexed marked (A.) with respect to any pension payable at Chelsea Hospital, or payable out of any funds intrusted to the Commissioners of Chelsea Hospital for the payment of pensions, and in the form in the schedule to this Act marked (B.) with respect to any Greenwich out-pensions, and in the form in the schedule to this Act marked (C.) with respect to any other of the before-mentioned pensions, superannuation, or allowance, to require that the next payment which shall become due of such pension or allowance shall be made to such guardians, who shall transmit a copy of such minute, attested by their clerk, at

(a) So much of this Act as relates to the repayment of relief administered to Chelsea or Greenwich out-pensioners, was repealed by 9 & 10 Vict. c. 10, s. 2, and further provision made on the subject by that

Act. The latter Act was extended by the 10 & 11 Vict. c. 54, and repealed by 19 Vict. c. 15, s. 1. The 2 & 3 Vict. c. 51, so far as it relates to other than Chelsea and Greenwich out-pensioners, is still in force.

least one month before such payment shall become due, and addressed, as to pensions or allowances payable at Chelsea Hospital, or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea Pension" written thereon, and as to Greenwich out-pensions to the paymaster general, out-pension office, Tower-hill, with the words "Greenwich Out-pension" written thereon, and as to all other the before-mentioned pensions to the paymaster general, Whitehall, London; and the commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively shall thereupon, and upon the like proof being given as is hereinafter directed with respect to assignments, cause payment to be made to such guardians; and the said guardians shall thereupon enter upon their minutes the nature and amount of relief actually given to such pensioner, or his wife or other person, and upon application made by the said pensioner to the clerk of the said guardians shall inform the said pensioner of the amount thereof; and the said guardians so receiving any pension or allowance shall retain and apply so much thereof as will repay the cost of relief actually given as aforesaid for the use and indemnity of the union or parish, and shall pay the surplus (if any) to the pensioner or person entitled thereto; and upon the receipt of any such minute as aforesaid the payment of the pension or other allowance mentioned therein shall be suspended until sufficient proof shall have been given to entitle the guardians named in such minute to receive the money thereby required to be paid to them; provided that where such relief shall not be given to the pensioner himself, the said guardians, before transmitting any such minute as aforesaid, shall obtain satisfactory proof that the person to whom such relief shall be given is the lawful wife of the said pensioner, or a person whom such pensioner is by law liable to maintain, which proof shall also be entered upon the minutes of the said board of guardians.

III. When any pensioner or person entitled to or in receipt of any pension or other allowance as aforesaid shall apply for temporary relief to the guardians of any union or parish in England or Ireland, or to the churchwardens or overseers of any parish in which the administration of the relief of the poor has not been directed to be governed by a board of guardians, or not situate within any union, so long only as such parish is not governed by such guardians, nor situate within any union, or to the heritors and kirk session in Scotland, or shall receive relief from the said guardians, churchwardens, and overseers, or heritors and kirk session, it shall be lawful for the said guardians, or churchwardens and overseers of the poor, and heritors and kirk session, but not compulsory upon them, to grant such relief in such case, or in the event of any pensioner receiving relief without previous application on his part, and to require the pensioner applying for or receiving the same to assign to them respectively his

Authorizing  
assignment of  
pension in  
certain cases.

next quarterly payment of pension or other allowance, to the intent that such guardians, or churchwardens and overseers, or heritors and kirk session respectively, may receive the same, and retain for the use of the said union or parish so much thereof as shall have been by them respectively advanced for the temporary relief of such pensioner, or of his wife or family residing with him in such union or parish; and every assignment to be made of any such pension or other allowance for the purposes and according to the tenor of this Act shall be exempt from stamp duty, and shall, as to any pensions payable at Chelsea Hospital or by the commissioners thereof, be in the form set out in the schedule to this Act marked (D.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (E.), and as to all other the before-mentioned pensions and allowances payable by Her Majesty's paymaster general in the form set out in the schedule to this Act marked (EE.); and every assignment shall be certified by the chairman and clerk of the said union at some meeting of the board of guardians, or by a churchwarden or overseer of such parish, or one of the heritors, and shall be attested by one of Her Majesty's justices of the peace; and every such assignment shall be transmitted within seven days after the same shall have been executed, and at least one month before the payment thereon shall become due, under cover, addressed, as to pensions payable at Chelsea Hospital or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea Pensioner" written thereon, and with respect to naval pensions to the paymaster general, out-pension office, Tower Hill, with the words "Greenwich Out-pension" written thereon, and as to all other the before-mentioned pensions to the paymaster general, Whitehall, London, who shall thereupon respectively cause the payment thereof to be made to the said guardians of the union or parish, or to the churchwardens and overseers of the poor of the parish, or to the overseers of the poor alone where there are no churchwardens, or heritors and kirk session, for whose security the assignment shall have been made, in the same manner as the said payment would have been made to the person assigning the same if no such assignment had been made; and such guardians or churchwardens and overseers, or heritors and kirk session, are hereby authorized to receive the same, and to retain thereout, for the use of the said union or parish, so much as shall have been advanced and paid on security thereof; and the said guardians, churchwardens and overseers, or heritors and kirk session respectively, shall keep an account in writing of the sum or sums so advanced, and also, immediately upon the receipt of the said pension, shall pay the residue thereof (if any) to the pensioner by whom such assignment shall have been made; and if any question shall arise between the pensioner making any such assignment, and the guardians, or churchwardens and overseers of the poor, or heritors and kirk session, receiving

the same, touching the amount which shall be due and payable to them respectively by virtue of any such assignment, the same shall be determined in a summary way by one of Her Majesty's justices of the peace, and his order and determination therein shall be final and conclusive: Provided always, that no such assignment shall entitle the said guardians, or churchwardens and overseers, or heritors and kirk session, to whom the same shall be made, to receive the pension or allowance purporting to be thereby assigned, if the same shall not have been transmitted within seven days after the same shall have been executed, if the party assigning the same shall die before the time when such pension would have become payable to him, as if no such assignment thereof had been made: Provided also, that all assignments not made in conformity with the provisions of this Act shall be null and void.

IV. When any pensioner or other person entitled to or in receipt of any army, naval, or other pension or allowance as aforesaid shall leave his wife or family in any union or parish, or shall suffer them to become chargeable to any union or parish, it shall be lawful for two or more of Her Majesty's justices of the peace for the county or place in which such union or parish is situate, upon complaint thereof made on oath to them by any one or more of the guardians of any such union or parish, or any one of the churchwardens and overseers of the poor of such parish where no union or board of guardians is established, or by the relieving officer of such union or parish, or the heritors and kirk session in Scotland, and upon due and satisfactory proof being given to the said magistrates that the person so left is the lawful wife of the said pensioner, or the lawful child (as the case may be), by order under their hands and seals, as to army pensions payable at Chelsea Hospital or by the commissioners thereof in the form set out in the schedule to this Act marked (F.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (G.), and as to all other the before-mentioned pensions and allowances payable by Her Majesty's paymaster general in the form set out in the schedule to this Act marked (H.), to direct that one-half the next payment which shall become due of such pension or other allowance, in case it shall be the wife or one child only who shall have been so left or suffered to become chargeable, or two-thirds thereof in case a wife and child, whether his own or a stepchild, or two or more children shall have been left or suffered to become chargeable, shall be made to the guardians of such union or parish, or to the churchwardens and overseers of the poor of the parish, or heritors and kirk session, to which such wife or family shall have become chargeable; and such guardians or churchwardens and overseers of the poor, or heritors and kirk session, shall transmit or cause to be transmitted such order as to such army pensions as aforesaid to the commissioners for the affairs of the Royal Hospital at Chelsea, and with respect to such naval and other pensions as

Authorizing  
Justices to  
make orders  
respecting  
pensions in  
certain cases.

aforesaid to the paymaster general, Whitehall, London, in like manner and within the like period as any assignment is hereinbefore directed to be transmitted, which said commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively shall thereupon, and upon sufficient proof being given to their satisfaction respectively that the person whose pension shall be directed to be paid shall have been living when the same has become payable, and would have been entitled to receive the same if no such order had been made, cause the said payment of one moiety or two-thirds, as the case may be, to be made to the said guardians of the union, or churchwardens and overseers of the poor of the parish, or heritors and kirk session, for whose security such order shall have been made; and the guardians or churchwardens and overseers of the poor, or heritors and kirk session, receiving any such pension by virtue of any such order, shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, for the use and indemnity of the said union or parish, and shall pay the overplus (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid by which the pension to be mentioned therein shall be directed to be paid as aforesaid, the payment thereof shall be suspended until sufficient proof, by the personal appearance of the pensioner before the collector of excise or in such other manner as shall be directed by the lords and other commissioners of Chelsea Hospital, or paymaster general, shall have been given, to entitle the said guardians or churchwardens and overseers of the poor of the parish in such order named, or heritors and kirk session, to receive the money thereby directed to be paid to them; and upon the like proof, the other moiety or one-third, as the case may be, of the quarterly payment of the said pension, shall be paid by the commissioners of Chelsea Hospital and Her Majesty's paymaster general respectively to the pensioner entitled thereto, upon his own receipt: Provided that in all cases where it shall be made to appear to the said justices that the woman relieved or to be relieved as the wife of the said pensioner shall be notoriously profligate, or cohabiting with any other person than her said husband, it shall be lawful for the said justices and they are hereby required to refuse making any order with respect to the payment of the said pension.

As to the  
pensions of in-  
sane pen-  
sioners.

V. In case any such army pensioner as aforesaid shall become insane, it shall be lawful for any one of Her Majesty's justices of the peace for the county or place in which such pensioner shall reside, upon due proof being made of such insanity, to certify the same to the lords commissioners of Chelsea Hospital, who shall thereupon order and direct, according to their discretion, that the pension of the said insane pensioner shall be paid to the guardians of the union or parish, or churchwardens and overseers of the parish not governed by a board of guardians or comprised in any union, or heritors and kirk

session of the place, in which such pensioner shall reside, or to the wife, child, or other person to whom the care of such insane person shall be entrusted, or to the treasurer of the county, if such pensioner shall be confined in a county lunatic asylum, or public asylum, or house licensed for the reception of persons insane; and the receipt of the person to whom the same shall be directed to be paid shall be a sufficient voucher and discharge for so much money as shall appear to have been paid thereon.

\* \* \* \* \*

VII. If it shall happen that the minute of any board of guardians, and any assignment by the person entitled, and any order of justices relating to the same pension, or any two of such instruments, shall, as to such army pensions, be received at Chelsea Hospital, and as to such Greenwich out-pensions be received at the pension office, Tower Hill, London, or as to any other of such pensions or other allowance as aforesaid be received at the office of the paymaster general at Whitehall, in any one quarter, the commissioners of Chelsea Hospital or Her Majesty's paymaster general respectively shall pay the quarter's pension upon such one of the said respective instruments as shall have been first executed according to the date thereof, and duly transmitted, so as to enable the commissioners and Her Majesty's paymaster general respectively, according to their usual course of forwarding the receipts for quarterly pensions, to confer such priority; and in the event of any such instruments being dated and received the same day, then a proportionate part of the pension to which such instruments relate shall be paid upon every or each of the said instruments.

Orders and assignments relating to the same quarter's pension to be paid according to priority of date.

To prevent frauds in assignments.

VIII. And whereas great frauds have been practised, and exorbitant and usurious interest obtained from pensioners, upon assignments made under colour of the said Act of the fifty-ninth year of the reign of his said late Majesty King George the Third, and according to the form set out in the said Act, although the money advanced thereon has not been advanced out of parish funds, nor to reimburse a parish for relief given to the prisoner by the churchwardens and overseers: Be it therefore enacted, that if any person entitled to pension or other allowance shall assign or aid or assist in making an assignment thereof, or of any quarterly or other payment thereof, to any person or persons whatsoever, except to the guardians of any union or parish, or to the churchwardens and overseers of the poor of the parish wherein such pensioner resides, or to the heritors and kirk session of any place in Scotland where such pensioner resides, and except for relief granted out of the funds of such union, parish, or townland to such pensioner or his wife or family residing with him in such parish, it shall be lawful for the lords and other commissioners of Chelsea Hospital, so far as relates to army or other pensions payable by such commissioners, and for the lord high

admiral, or commissioners for executing the office of lord high admiral, with respect to naval and marine pensions or other allowance, immediately to take away the pension from the person so offending, or to suspend for any definite period the future payments thereof; and if any person or persons shall procure or induce a pensioner to make or aid or assist him in making any assignment of pension, superannuation, or other allowance as aforesaid, to any person or persons other than the guardians of any union or parish as aforesaid, or the churchwardens and overseers of the parish wherein such pensioner resides, or any heritors and kirk session in Scotland as aforesaid, or shall make or aid or assist in making any assignment which shall not be given by the said pensioner or person entitled to other allowance as aforesaid, and received by the said guardians, parish officers, or heritors and kirk session as a security for relief given or money granted or advanced out of the funds of such union, parish, townland or place, and for reimbursing the guardians, churchwardens and overseers, or heritors and kirk session advancing the same, or shall receive or accept as payment or security for money or for goods advanced or agreed to be advanced to or lent or given to any such pensioner or person entitled as aforesaid, or shall demand or charge any interest or pecuniary or other compensation for advancing money upon any pension or other allowance so assigned or taken, or pretended to be assigned or taken, such person or persons shall for every such offence be deemed guilty of a misdemeanor, and shall upon every conviction thereof be punished by such fine or imprisonment, or both, as the court before which such person or persons shall be convicted shall adjudge.

The forging  
documents  
felony.

IX. If any person shall forge or counterfeit or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any minute, copy of minute, assignment of pension, superannuation, or other allowance as aforesaid, order, certificate, receipt, document, or authority whatsoever relating to or in anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or shall utter or publish as true, or knowingly and willingly act, aid or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such minute copy, assignment, order, certificate, receipt, document, or authority relating to or anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or the name of any pensioner, justice of the peace, guardian, parish officer, or other officer, or any other person authorized, or supposed or purporting to be authorized, to sign any such minute, copy, assignment, order, certificate, receipt, document, or authority, with intent or in order to obtain, or to enable any other person to obtain, the payment of any such pension or pension money or other allowance as aforesaid

from the commissioners of Chelsea Hospital or Her Majesty's paymaster general respectively, or from any officer, under officer, clerk or servant of the said commissioners of Chelsea Hospital or of Her Majesty's paymaster general respectively, or from any person authorized or supposed to be authorized to pay any pension or pension money or other allowance as aforesaid, every such person so offending shall be guilty of felony, and shall and may be transported for such term of years, or suffer such other punishment as the court before which such person or persons shall be convicted shall adjudge.

X. The term "parish" shall extend, wherever the context shall so require, to all places separately maintaining their own "parish." poor (a).

SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)

#### *Form of Minute of Board of Guardians.*

THE guardians of the union or parish of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby certify to the lords and others commissioners of the Royal Hospital for Soldiers at Chelsea in the county of Middlesex, that \_\_\_\_\_ an out-pensioner from the \_\_\_\_\_ regiment of \_\_\_\_\_ at \_\_\_\_\_ per diem, was on the \_\_\_\_\_ day of \_\_\_\_\_ received into the workhouse at \_\_\_\_\_ [or that the wife or other relation whom the said \_\_\_\_\_ is bound to maintain, as the case may be], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the \_\_\_\_\_ year of Her Majesty Queen Victoria, intituled [the title of this Act], require that the next quarter's pension of the said \_\_\_\_\_ shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated \_\_\_\_\_

Certified on the \_\_\_\_\_ day of \_\_\_\_\_ at a meeting of the board of the said guardians by \_\_\_\_\_

A. B., Chairman.

C. D., Clerk.

To the Lords and others  
Commissioners of Chelsea Hospital.

### SCHEDULE (B.)

#### *Form of Minute of Board of Guardians.*

THE guardians of the union or parish of \_\_\_\_\_ in the county of \_\_\_\_\_ do hereby certify to Her Majesty's paymaster general, that \_\_\_\_\_ a Greenwich out-pensioner, No. \_\_\_\_\_, at \_\_\_\_\_ per annum, was on the \_\_\_\_\_ day of \_\_\_\_\_ received into the work-

(a) See 29 & 30 Vict. c. 113, s. 18.

house at                    or that the wife or other relation whom the said  
                               is bound to maintain, *as the case may be*], by order of the  
 said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the                    year of Her Majesty Queen Victoria, intituled [*the title of this Act*], require that the next quarter's pension of the said                    shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated

Certified on the                    day of                    at a meeting of the board  
 of the said guardians by

A. B., Chairman.

C. D., Clerk.

To Her Majesty's Paymaster General,  
 Greenwich Out-pension Office, Tower Hill.

### SCHEDULE (C.)

#### *Form of Minute of Board of Guardians.*

THE guardians of the union or parish of                    in the county of                    do hereby certify to Her Majesty's paymaster general, that                    a person entitled to [*here state whether for pension or allowances in civil or military service, not as Chelsea or Greenwich out-pensioner*] at                    per annum, was on the                    day of                    received into the workhouse at                    [*or that the wife or other relation whom the said                    is bound to maintain, as the case may be*], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the                    year of Her Majesty Queen Victoria, intituled [*the title of this Act*], require that the next quarter's pension of the said                    shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated

Certified on the                    day of                    at a meeting of the board  
 of the said guardians by

A. B., Chairman.

C. D., Clerk.

To Her Majesty's Paymaster General,  
 Whitehall, London.

### SCHEDULE (D.)

I [*naming the pensioner, and the regiment from which he was discharged*] do hereby assign to the guardians of the union or parish of                    [*or, as the case may be, the churchwardens and overseers of the poor of the parish of                    or to the heritors and kirk session of*], in which union [*or parish*] I am

now residing, the next payment of my pension at the rate of  
per diem, granted to me as                      and payable from  
in order to secure to the said union [*or parish*] of  
the repayment of the sum of                      advanced to me by such  
guardians, [*or churchwardens and overseers, or heritors and*  
*kirk session, as the case may be,*] out of the funds of the said  
union [*or parish*].

, Pensioner.

Signed by the above-named                      before me, one of  
Her Majesty's justices of the peace for                      this                      day  
of

, Justice.

We do hereby certify the above assignment to be made pur-  
suant to Act                      Victoria, cap.                      intituled [*stating the title*  
*of this Act*], and to be for relief given out of the funds of the  
said union [*or parish*] on the                      day of                      at a meeting  
of a board of the said guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

#### SCHEDULE (E.)

I [*naming the pensioner*] do hereby assign to the guardians of  
the union *or parish* of                      [*or, as the case may be, the church-*  
*wardens and overseers of the poor of the parish of*                      *or to*  
the heritors and kirk session of                      ], in which union [*or*  
*parish*] I am now residing, the next payment of my Green-  
wich out-pension at the rate of                      per annum, granted to  
me as                      and payable from                      in order to secure to the  
said union [*or parish*] of                      the repayment of the sum of  
                    advanced to me by such guardians [*or churchwardens*  
*or overseers or*                      *heritors and kirk session, as the case may*  
*be,*] out of the funds of the said union [*or parish*].

, Pensioner.

Signed by the above-named                      before me, one of Her  
Majesty's justices of the peace for                      this                      day  
of

, Justice.

We do hereby certify the above assignment to be made pur-  
suant to Act                      Victoria, cap.                      intituled [*stating the title*  
*of this Act*], and to be for relief given out of the funds of the  
said union [*or parish*] on the                      day of                      at a meeting  
of the board of the said guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

## SCHEDULE (EE.)

I [*naming the person*] do hereby assign to the guardians of the union [*or parish*] of [*or, as the case may be, the churchwardens and overseers of the poor of the parish of or to the heritors and kirk session of* ], in which union [*or parish*] I am now residing, the next payment of my [*here state whether for pension or allowances in civil or military services, not as Chelsea or Greenwich out-pensioner*] at per annum, and payable from in order to secure to the said union [*or parish*] of the repayment of the sum of advanced to me by such guardians [*or churchwardens or overseers or heritors and kirk session, as the case may be,*] out of the funds of the said union [*or parish*].

, Pensioner.

Signed by the above-named before me, one of Her Majesty's justices of the peace for this day of

Justice.

We do hereby certify the above assignment to be made pursuant to Act Victoria, cap. intituled [*stating the title of this Act*], and to be for relief given out of the funds of the said union [*or parish*] on the day of at a meeting of the board of the said guardians.

A. A., Chairman.

A. B., Clerk.

Or C. D., the Churchwarden, and

D. E., the Overseer of

Or E. F., one of the Heritors, and

F. G., an Elder of

## SCHEDULE (F.)

Form of Order to be made in pursuance of Victoria, cap. .

County of } To the Right Honourable the Lords and others  
" } Commissioners of the Royal Hospital, Chelsea.

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county by the of the union *or parish*] of in the county aforesaid, that late a soldier in the regiment of but now a pensioner of the Royal Hospital at Chelsea from the said regiment at the rate of per diem, hath suffered his to become chargeable thereto, and that now maintained by the said union [*or parish*] at the expence of per week, and due proof having been given to us of the said being the lawful wife [*or lawful children*] of the said [or that the said is liable to maintain the said as the case may be]:

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct that [one moiety, or two-thirds, *as the case may be,*] of the next payment which shall become due of such pension shall be paid by the said commissioners to the guardians [*or churchwardens and overseers, or heritors and kirk session, as the case may be,*] of the said union [*or parish*] of in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [*or parish*], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of in the year of our Lord one thousand eight hundred and at in the county aforesaid.

### SCHEDULE (G.)

*Form of Order to be made in pursuance of Victoria, cap. .*

County of } To Her Majesty's Paymaster General.

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county, by the of the union [*or parish*] of in the county aforesaid, that a Greenwich out-pensioner, No. at the rate of per annum, hath suffered his to become chargeable thereto, and that now maintained by the said union [*or parish*] at the expence of per week, and due proof having been given to us of the said being the lawful wife [*or lawful children*] of the said [*or that the said is liable to maintain the said as the case may be*] :

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two-thirds, *as the case may be,*] of the next payment which shall become due of such pension shall be paid by her Majesty's paymaster general to the guardians [*or churchwardens and overseers, or heritors and kirk session, as the case may be,*] of the said union [*or parish*] of , in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [*or parish*], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of in the year of our Lord, one thousand eight hundred and at in the said county of .

## SCHEDULE (H.)

*Form of Order to be made in pursuance of Victoria, cap. .*

County of } To Her Majesty's Paymaster General.

WHEREAS complaint upon oath hath been made unto us, two of Her Majesty's justices of the peace acting in and for the said county, by of the union [or parish] of in the county aforesaid, that a person entitled to [here state whether for pension or allowances in civil or military service, not as Chelsea or Greenwich out-pensioner], at the rate of per annum, hath suffered his to become chargeable thereto, and that the said is [or are] now maintained by the said union [or parish] at the expence of per week, and due proof having been given to us of the said being the lawful wife [or lawful children] of the said or that the said is liable to maintain the said (as the case may be):

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, That [one moiety, or two-thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by Her Majesty's paymaster general to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [or parish], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of in the year of our Lord one thousand eight hundred and at in the said county of .

## 2 &amp; 3 VICT. CHAP. 62.

AN ACT to explain and amend the Acts for the Commutation of Tithes in England and Wales.

[17th August, 1839.]

Name of each occupier, and sum charged on him, to be specified by assessor, on notice from owner.

III. The assessor or collector of any rate or tax shall, within forty days after the receipt of a notice in writing signed by any land owner or tithe owner interested therein, specify in his assessment made for the purpose of collecting and levying such rate or tax the names of the several occupiers of tithes, lands, and tenements subject to such rate or tax, as well as the sum assessed on the tithes, lands, or tenements held by each such occupier.

\* \* \* \* \*

XXXIV. In case there shall be any question between any parishes or townships, or between any two or more land owners, touching the boundaries of such parishes or townships, or the lands of such land owners respectively, or if such parishes or townships, or land owners shall be desirous of having such boundaries ascertained or a new boundary line defined, it shall be lawful for the said commissioners, or any assistant commissioner, on the application in writing of a majority of not less than two-thirds in number and value of the land owners of such parishes or townships in the case of parochial or township boundaries, or on the like application of such two or more land owners in the case of boundaries between their lands, to deal with any dispute or question concerning such boundaries, and to ascertain, adjust, set out, and define the ancient boundaries between such parishes or townships or the lands of such land owners respectively, or draw and define a new line of boundary, as they may see fit; and in every such case the powers and provisions of the said recited Acts and of this Act, so far as the same may, in the judgment of the said commissioners or assistant commissioner respectively, be applicable, shall extend and may be applied by them or him to such question; and the boundary line so ascertained or newly defined by the said commissioners or assistant commissioner shall thenceforward be the boundary line of and between such parishes, townships, or lands of such land owners respectively for all purposes whatsoever: Provided always, that nothing in this provision contained shall extend to any boundary or part of a boundary being also the boundary line or part of the boundary line of any county, or to the boundary line of any copyhold or customary land, unless the consent in writing of the lord of the manor whereof such land is holden to such application being dealt with by the said commissioners or assistant commissioner shall have been first sent to them or him for such purpose: Provided also, that every such boundary line shall be duly set out and delineated on the map annexed to the schedule of appointment†, or upon a separate plan to be attached thereto, with proper descriptions and references, showing in what respect such map so annexed to the apportionment is varied, and in what respect the several closes whereon any rent-charge is fixed are affected thereby; and such map shall in every such case be deemed to be varied by such plan, and be as valid for all purposes as if the same had been originally drawn and sealed or certified by the said commissioners with such variation (a).

For the settlement of disputes as to boundaries.

(†) *Sic.*

XXXV. In every case in which any judgment or determination of the commissioners or of any assistant commissioner respecting the boundary of any parish, district, or lands shall

How questions of boundary removed into

(a) See 6 & 7 Will. 4, c. 71, s. 64; c. 54, s. 13; and 8 & 9 Vict. c. 118, 7 Will. 4 & 1 Vict. c. 69, ss. 2, 3; s. 39.  
3 & 4 Vict. c. 15 s. 28; 5 & 6 Vict.

Queen's Bench  
are to be dealt  
with.

have been or shall be removed into the Court of Queen's Bench, it shall be lawful for the court to direct the trial of one or more feigned issues upon such points as the court shall think fit, and also to direct who shall be the plaintiff or plaintiffs and who shall be the defendant or defendants on such trial, or determine the same in a summary manner, or otherwise to dispose of the question or questions in dispute, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

Commis-  
sioners may  
award costs  
of inquiry  
into bound-  
aries.

XXXVI. It shall be lawful for the said commissioners and for such assistant commissioner as aforesaid to order and direct that all reasonable costs, charges, and expences already or hereafter to be incurred by any parties interested in or about any inquiry into any boundary which the said commissioners or such assistant commissioner are or is authorized to settle, shall be borne and paid in such proportion and manner by and amongst the several other parties interested therein (as well those who shall have signed a request to the tithe commissioners that the said commissioners should inquire into and settle such boundaries, as every other person interested who shall, either personally, or by his or her counsel, attorney, or agent, appear upon such inquiry before the said commissioners or before such assistant commissioner) as the said commissioners or any such assistant commissioner shall direct; and such costs, charges, and expences, and every part thereof, shall in every such case be recoverable in the like manner as expences or the share thereof to be borne by any person are or is recoverable by the recited Acts or this Act.

\* \* \* \*

## 2 & 3 VICT. CHAP. 71.

AN ACT for regulating the Police Courts in the Metropolis.  
[24th August, 1839.]

\* \* \* \*

Acts directed  
to be done by  
a neighbouring  
justice may be  
done by any of  
the said  
magistrates.

XIII. Where by any law now in being, or by any Act not containing an express enactment to the contrary hereafter to be made, any Act is directed or authorized to be done by any justice or justices of the peace belonging to any of the said offices, or by any justice or justices residing in or near or next the parish or place where any offence or other matter cognizable before him or them shall be committed or shall arise, the same jurisdiction may be exercised by one of the said magistrates in any of the said courts.

One magis-  
trate may do  
any act  
directed to be  
done by

XIV. It shall be lawful for any one of the said magistrates appointed or hereafter to be appointed to do alone any act at any of the said courts, or at any place where Her Majesty shall order any such court to be holden within the limits of the

metropolitan police district for the time being, which by any law now in force, or by any law not containing an express enactment to the contrary hereafter to be made, is or shall be directed to be done by more than one justice: Provided always, that none of the said magistrates shall be competent to act as a justice of the peace, either alone or with any other justice or justices, in any thing which is to be done at a special or petty session of all the justices acting in the division, or by the justices of any of the said counties or liberties in quarter session assembled.

\* \* \* \* \*

XVIII. Every summons or warrant which after the passing of this Act shall be issued by any justice of the peace of the counties of Middlesex, Surrey, Kent, Essex, or Hertfordshire respectively, requiring any person residing within the metropolitan police district to appear at any place without the said district to answer any information or complaint touching any matter arising within the said district, shall be utterly void, except for the purpose of enforcing payment of any rates or taxes levied within any parish or place, part only of which is within the metropolitan police district (a).

\* \* \* \* \*

XLIV. All offences committed within the limits of the metropolitan police district, which under this or any other Act are punishable on summary conviction before a justice or justices of the peace, may be heard and determined by any of the said magistrates sitting at one of the said police courts, in a summary way, within six calendar months at the farthest next after the commission of such offence, or within such shorter time as shall be limited by the Act specifying the offence, and not afterwards, whether or not any information in writing shall have been exhibited or taken by or before such magistrate; and all such proceedings by summons without information in writing shall be as valid and effectual as if an information in writing had been first exhibited in that behalf: Provided always, that a note or memorandum in writing, according to a form to be approved by the secretary of state, shall be made and kept in the court of the substance of every charge for which a summons or warrant shall be issued: Provided also, that the magistrate, if he shall think fit, may require an information in writing to be laid in every case in which it shall seem to him to be expedient, before the matter of the complaint or charge shall be brought before him; and the magistrate shall examine into the matter of every complaint or charge brought before him, and if, upon the confession of the party accused, or on the oath of any one or more witnesses, the party accused shall be convicted of having committed the offence charged or complained of, the party so convicted shall pay such penalty as to the magistrate shall seem fit, not more

than the greatest penalty made payable in respect of such offence, together with the costs of conviction, to be ascertained by such magistrate (a).

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## 2 & 3 VICT. CHAP. 82.

AN ACT for the better Administration of Justice in detached Parts of Counties. [26th August, 1839.]

Justices may act in detached parts of other counties locally included in their county.

“WHEREAS the administration of justice is hindered by the distance of divers detached parts of counties in England and Wales from the body of the counties to which they severally belong, and wherein the justices of the peace having jurisdiction in such detached parts for the most part do dwell:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the passing of this Act it shall be lawful for any justice or justices of the peace acting for any county to act as a justice or justices of the peace in all things whatsoever concerning or in anywise relating to any detached part of any other county which is surrounded in whole or in part by the county for which such justice or justices acts or act; and that all acts of such justice or justices of the peace, and of any constable or other officer in obedience thereto, shall be as good, and all offenders in such detached part may be committed for trial, tried, convicted, and sentenced, and judgment and execution may be had upon them, in like manner as if such detached part were to all intents and purposes part of the county for which such justice or justices acts or act; and all constables and other officers of such detached part are hereby required to obey the warrants, orders, and acts of such justice or justices, and to perform their several duties in respect thereof, under the pains and penalties to which any constable or other officer may be liable for a neglect of duty.

\* \* \* \* \*

Interpretation of terms.

III. In construing this Act the word “county” shall be taken to mean and include county, riding, division, and parts of a county having a separate commission of the peace.

\* \* \* \* \*

(a) See 11 & 12 Vict. c. 43, s. 11.

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### AUDITOR’S CERTIFICATE—JURISDICTION OF MAGISTRATE TO ENFORCE.

*Decision on*  
2 & 3 Vict.  
c. 71, s. 44.

A metropolitan magistrate, sitting alone, has jurisdiction to hear and determine an information by an auditor, for non-payment of a sum disallowed under 7 & 8 Vict. c. 101, s. 32, where the information is laid within nine calendar months from the date of the disallowance, as required by 12 & 13 Vict. c. 103, s. 9, although not until after the limitation of six calendar months mentioned in 2 & 3 Vict. c. 71, s. 44: *Reg. v. Tyrwhitt*, 19 L. J. M. C. 249; 14 J. P. 319, 335, 482.

## 2 &amp; 3 VICT. CHAP. 84.

AN ACT to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor (b).

[26th August, 1839.]

“ WHEREAS it is expedient that more effectual provision should be made for the assessment, allowance, amendment, and collection of rates for the relief of the poor ;” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, that in every case in which any contribution by overseers or other officers of any parish of monies required by the board of guardians or persons acting as guardians for such parish or for any union which shall include such parish for the performance of their duties (c), shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate (d), on application under the hand of the chairman or acting chairman of such board, to summon the said overseer or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other officers, or any of them, in like manner as monies assessed for the relief of the poor may be levied and recovered (e), and the amount of such arrear, together with the costs as aforesaid, when levied and recovered, to be paid to the said board : Provided always, that no distress made under any such warrant of justices shall be replevisible.

Manner of proceeding by board of guardians in case the contributions required by any parish are in arrear.

(b) See 5 & 6 Vict. c. 57, s. 18. & 15 Vict. c. 105, s. 9 ; and 30 & 31

(c) See 4 & 5 Will. 4, c. 76, s. 28 ; Vict. c. 106, s. 27.

7 & 8 Vict. c. 101, s. 63 ; and 12 & 13 Vict. c. 103, s. 7. (e) See 17 Geo. 2, c. 38, s. 7 ; 41

Geo. 3, c. 23 ; 54 Geo. 3, c. 170 ; and 12 & 13 Vict. c. 14.

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NOTICE OF ACTION.

Where an overseer was distrained upon for recovery of a contribution order under 2 & 3 Vict. c. 84, in an action of trespass brought by him against the clerk to the guardians, the latter was held entitled to notice of action under 4 & 5 Will. 4, c. 76, s. 104 : *Carter v. Filliter*, 6 J. P. 745. *Decisions on sect. 1.*

JURISDICTION OF JUSTICES.

The 2 & 3 Vict. c. 84, s. 1, gives the justices a power similar to that exercised by them in enforcing a legal poor rate. The existence of a legal obligation to pay the contribution is a necessary preliminary condition to their having any authority to enforce payment ; and if no such obligation

Order for  
appointing  
collectors  
declared valid.

II. All orders heretofore made and issued under the hands and seals of the poor law commissioners, and not rescinded by them, or quashed before the sixth day of May in the present year, by which the said commissioners may have directed the overseers or guardians of any parish or union to appoint any person to collect the rates for the relief of the poor in any parish or parishes, or shall have defined or specified or directed the execution of the duties of such person, or the places or limits within which the same shall be performed, or shall have directed the mode of appointment, or determined the continuance in office or dismissal of any such person from his office, or the amount or nature of the security to be given by any such person, or shall have regulated the amount of salary payable to any such person, or the time or mode or the proportions of payments thereof, shall be deemed, and the same are hereby declared to have the same force and validity as if the same had been warranted by an Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws for the Relief of the Poor" (a); and the commissioners shall have the same powers and authorities with respect to all such orders, and to the persons appointed in pursuance thereof, as they have with respect to orders made and issued and the paid officers appointed under the provisions of the said Act; and every person appointed by guardians of the poor under any such order of the said commissioners shall have the like powers, authorities, privileges, immunities, protections, and remedies, in and for the performance of his duty under such order, as are by law given to overseers of the poor in the performance of the like duty.

4 & 5 Will. IV.  
c. 76.

(a) See 4 & 5 Will. 4, c. 76, s. 46; and 7 & 8 Vict. c. 101, ss. 61, 62.

#### JURISDICTION OF JUSTICES—continued.

Decisions on  
sect. 1.

existed, the justices act without jurisdiction, and are liable in trespass: *Newbold v. Coltman*, 20 L. J. M. C. 149; 15 J. P. 372; 6 Exch. 189.

A refusal of justices to enforce by distress, under 2 & 3 Vict. c. 84, s. 1, payment of money under a contribution order of the guardians is a ground of appeal to a superior court, under 20 & 21 Vict. c. 43, s. 2: *City of London Union v. Acocks*, 8 C. B. (N. S.) 760.

Where by an Act of parliament power is conferred upon justices to issue a distress warrant "if they shall think fit," they must not refuse to do so merely because they think the Act of parliament does an injustice in giving such power in the particular case. Therefore, where the overseer of a parish which had been an extra-parochial place, but had been duly added to a union, was ordered by the board of guardians of the union to pay a certain sum of money towards the common fund, and he refused to pay such money, it was held that the justices could not refuse to issue their warrant under the 2 & 3 Vict. c. 84, s. 1, merely because they thought it unjust that the formerly extra-parochial place should be compelled to contribute to the common fund of the union: *Reg. v. Boteler*, 33 L. J. M. C. 101; 4 B. & S. 959; S. C. *Ex parte Bridgend and Cowbridge Union*, 9 L. T. (N. S.) 720.

III. Provided always, that nothing herein contained shall in anywise affect the right of the inhabitants in vestry to give directions for the custody and safe keeping of any books, papers, and documents, under the provisions of an Act passed in the fifty-eighth year of the reign of His Majesty King George the Third, intituled "An Act for the Regulation of Vestries" (b).

Not to affect 58 Geo. III. c. 69, for regulation of vestries.

IV. Except in as far as the provisions of the said Act of the fourth and fifth years of the reign of His late Majesty shall be hereby altered or amended, the said Act and this Act shall be construed as one Act.

Recited Act and this Act to be taken as one.

\* \* \* \* \*

### 3 & 4 VICT. CHAP. 15.

AN ACT further to explain and amend the Acts for the Commutation of Tithes in England and Wales.

[4th June, 1840.]

\* \* \* \* \*

XXVIII. "And whereas by the said last recited Act powers are given to the said commissioners or any assistant commissioner, upon the application in writing of not less than two-thirds in number and value of the land owners in any parishes or townships, to set out and define the boundaries of such parishes or townships in manner in the said Act provided; and it is expedient to extend such power in manner hereinafter mentioned:" Be it enacted, that it shall be lawful for the said commissioners, or assistant commissioner, but at the sole discretion of the said commissioners, and only in such manner as they shall see fit and proper, to exercise all and every the powers so given by the said last recited Act relating to boundaries of parishes or townships, on the application in writing of two-thirds in number and value of the land owners of any one parish, place, or township whose boundary shall be in question, notwithstanding the land owners in the parish, place, or township adjoining such boundary shall not join in such requisition: Provided always, that in every such case the said commissioners or assistant commissioner shall, twenty-one days at least before proceeding to make inquiry and adjudicate on such question of boundary, cause a notice to be sent by the post, or otherwise given, addressed to the churchwardens and overseers, and also to the surveyors of the highways of every parish, place, or township adjoining such boundary, of the intention of the said commissioners or assistant commissioner to proceed on the question of such boundary, and shall specify in such notice a time and place of meeting so to proceed therein, and shall annex to each copy of such notice a copy of the application of the land

Commissioners may adjudicate parochial boundaries on requisition of land owners of any parish, 2 & 3 Vict. c. 62, ss. 34, 35.

(b) See 17 Geo. 2, c. 38, s. 13; c. 96, s. 5; 7 & 8 Vict. c. 101, s. 32; 58 Geo. 3, c. 69, s. 6; 6 & 7 Will. 4, and 12 & 13 Vict. c. 57, s. 7.

owners requiring the commissioners to make such inquiry and adjudication, and shall also cause a copy of such notice to be inserted, once at least in two successive weeks previous to the day of such meeting, in some newspaper having circulation in the county where such parish, place, or township is situated; and no assistant commissioner shall proceed in any such inquiry without exhibiting at such meeting the papers containing the advertisement of such notice, and also a certificate, under the hands of the said commissioners, or any one or two of them, of one copy of such notice having been respectively sent to such churchwardens and overseers, and a copy to such surveyors as aforesaid; and the assistant commissioner shall thereupon proceed in all respects, and his proceeding shall be as valid and binding, as if the said inquiry had been instituted on the application in writing of two-thirds in number and value, as well of the land owners of the parish, place, or township, to which such notice shall have been so sent, as of the parish, place, or township causing such inquiry to be instituted: Provided nevertheless, that upon the application in writing, addressed to the said commissioners during the interval of such twenty-one days, of not less than two-thirds in number and value of the land owners in any parish, place, or township adjoining such boundary, and not being parties to any such application as aforesaid, objecting to the said commissioners or assistant commissioner proceeding under the same in the matter of such boundary, all proceedings which shall have been instituted upon the application of such single parish, place, or township under this Act shall forthwith be stayed (*a*).

\* \* \* \* \*

### 3 & 4 VICT. CHAP. 26.

AN ACT to remove Doubts as to the Competency of Persons, being rated Inhabitants of any Parish, to give Evidence in certain Cases.

[3rd July, 1840.]

“ WHEREAS it is expedient to remove all doubt whether persons are by law competent to give evidence in cases where they have been formerly held to be disqualified by the liability to pay parochial rates:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act no person called as a witness on

Persons not  
disqualified

(*a*) See 6 & 7 Will. 4, c. 71, s. 64; Vict. c. 54, s. 13; 8 & 9 Vict. c. 118, 7 Will. 4 & 1 Vict. c. 69, ss. 2, 3; s. 39; 15 & 16 Vict. c. 81, s. 40. 2 & 3 Vict. c. 62, ss. 34, 35; 5 & 6

any trial in any court whatever may and shall be disabled or prevented from giving evidence by reason only of such person being, as the inhabitant of any parish or township, rated or assessed or liable to be rated or assessed to the relief of the poor, or for and towards the maintenance of church, chapel, or highways, or for any other purpose whatever (*b*).

II. No churchwarden, overseer, or other officer in and for any parish, township, or union, or any person rated or assessed or liable to be rated or assessed as aforesaid, shall be disabled or prevented from giving evidence on any trial, appeal, or other proceeding by reason only of his being a party to such trial, appeal, or other proceeding, or of his being liable to costs in respect thereof, when he shall be only a nominal party to such trial, appeal, or other proceeding, and shall be only liable to contribute to such costs in common with other the ratepayers of such parish, township, or union.

from giving evidence on account of being assessed to parochial rates.

Nominal parties on any trial not disabled from giving evidence.

### 3 & 4 VICT. CHAP. 28.

AN ACT to explain and amend an Act of the Second and Third years of Her present Majesty for more equally assessing and levying Watch Rates in certain Boroughs.

[23rd July, 1840.]

“WHEREAS by an Act passed in the session of parliament holden in the second and third years of the reign of Her present Majesty, intituled ‘An Act for more equally assessing and levying Watch Rates in certain Boroughs,’ after reciting therein that by reason of the restrictions contained in an Act passed in

2 & 3 Vict. c. 28.

(*b*) See 3 W. & M. c. 11, s. 12; 54 c. 76, s. 100; 6 & 7 Vict. c. 85, s. 1; Geo. 3, c. 170, s. 9; 4 & 5 Will. 4, and 14 & 15 Vict. c. 99, s. 2.

#### COMPETENCY OF WITNESSES.

Under 3 & 4 Vict. c. 26, s. 1, an owner of lands within a parish is competent to give evidence on a prosecution against the parish for non-repair of a highway, though he be not a rated inhabitant, the lands being occupied by tenants who are rated for them: *Reg. v. Doddington*, 1 Q. B. 412; 5 Jur. 931.

*Decisions on 3 & 4 Vict. c. 26, s. 1.*

On an application before justices in petty sessions for an order to remove a pauper to parish A., where it sought to show a settlement by rating, a subpoena *ad testificandum*, and a subpoena *duces tecum* may issue from the Crown Office to a parish officer of A., commanding him to attend the examination at petty sessions, and give evidence, and produce parish rate-books; and if he disobeys, the court will grant an attachment: *Reg. v. Greenaway*; *Reg. v. Carey*, 7 Q. B. 126.

An overseer is, since the 3 & 4 Vict. c. 26, compellable as well as competent to give evidence in proceedings before justices touching the relief or removal of the poor: *Reg. v. Vickery*, 12 Q. B. 478; 17 L. J. M. C. 129; 12 J. P. 487.

the sixth year of the reign of His late Majesty King William the Fourth, intituled 'An Act to provide for the Regulation of  
 5 & 6 Will. IV. Municipal Corporations in England and Wales,' the watch rate  
 c. 76. authorized to be levied upon those parts of the boroughs within the provisions of the said Act which were regularly watched was insufficient for that purpose, and the deficiency in many cases was paid out of the borough rate to which all parts of the borough, whether or not regularly watched, were liable; for remedy thereof it was enacted, amongst other things, that it should be lawful for the council of any borough named in either of the schedules to the said Act of His late Majesty to levy a watch rate upon the occupiers of all messuages, lands, tenements, and hereditaments within those parts of the borough which should be watched by day and by night, and which from time to time, by any order of the council of any such borough, should be declared liable to such watch rate, provided that no such rate should exceed in any one year the rate of sixpence in the pound on the net annual value of the hereditaments rated thereunto, unless in those boroughs in which at the time of passing the said Act of His late Majesty the sum authorized to be levied by way of watch rate exceeded the sum which might have been then raised by the said rate of sixpence in the pound: And whereas the said Act of Her present Majesty was intended to apply to boroughs in which, from the deficiency of the borough fund, it had become or might become necessary that borough rates should be laid; but doubts have been entertained whether the same Act may not apply to cases of municipal boroughs in which there are borough funds sufficient for the purposes of defraying the expences of the constabulary force of such boroughs, together with all other expences payable out of the borough fund, with the aid of the amount only of watch rate which could be raised under the provisions of the said Act of His said late Majesty, and without the aid of any borough rate; and doubts are also entertained whether by the said Act of Her present Majesty it is not imperative upon the council of each borough to levy in each borough a watch rate to the extent of sixpence in the pound; and in order to remove such doubts:" Be it enacted and declared by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the passing of this Act the said Act of Her present Majesty shall not apply or be deemed to apply to any borough in which the borough fund is sufficient, with the aid of the amount only of watch rate which could be raised under the provisions of the said Act of His late Majesty, and without the aid of any borough rate, to defray the expence of the constabulary force of the borough together with all the other expences legally payable out of the borough fund, by virtue of the said Act of His late Majesty, or any other Act or Acts of parliament: Provided always, that nothing in this Act contained shall be deemed to take away or lessen, or to vary or

Recited Act  
 not to apply to  
 boroughs in  
 certain cases.

Proviso.

affect, the particular benefit or rights to common lands and public stock, and to lands, tenements, and hereditaments, and to the rents and profits thereof, or to any sum or sums of money, chattels, securities for money, or other personal estate which are reserved by the said recited Act of His late Majesty to every person who then was or thereafter might be an inhabitant of any borough, and also to every person who had been admitted or who might thereafter have been admitted a freeman or burgess of any borough if that Act had not been passed, or who then was or thereafter might be the wife or widow, or son or daughter, of any freeman or burgess, or who had espoused or might thereafter espouse the daughter or widow of any freeman or burgess, or who had been or might thereafter be bound an apprentice: Provided also, that nothing herein contained shall render the borough fund of any borough liable to any expenses with which such borough fund was not chargeable before the passing of the said recited Act of Her present Majesty.

II. The amount of watch rate to be levied by the council of any borough under the authority of the said recited Act of Her present Majesty shall be at the discretion of each such council, but not exceeding in any one year the sum of [*sixpence in the pound (a)*], as limited by the same Act. Limiting amount of watch rate to be annually levied.

### 3 & 4 VICT. CHAP. 54.

AN ACT for making further provision for the Confinement and Maintenance of Insane Prisoners (*b*).

[4th August, 1840.]

\* \* \* \* \*

II. In all such cases as aforesaid, unless one of Her Majesty's principal secretaries of state shall otherwise direct, it shall be lawful for such two justices, or any other two justices of the peace of the county, city, borough, or place where such person is imprisoned to inquire into and ascertain, by the best evidence or information that can be obtained under the circumstances, of the personal legal disability of such insane person, the place of the last legal settlement, and the pecuniary circumstances of such person; and if it shall not appear that he or she is possessed of sufficient property which can be applied to his or her maintenance, it shall be lawful for such two justices, by order under their hands, to direct the overseers of the parish where they adjudge him or her to be lawfully settled, or in case such parish be comprised in a union declared by the poor law commissioners, or shall be under the management of a board of guardians established by the poor law commissioners, then the guardians of such union (*c*) or of such parish (as the case may be), to pay on behalf of such parish, in the case of

Justices of the peace to inquire into the settlement of such prisoner, and make orders on parish for maintenance, &c.

(a) See 22 & 23 Vict. c. 32, ss. 5, 6. (b) See 23 & 24 Vict. c. 75.

(c) See 27 & 28 Vict. c. 29, s. 5.

any person removed under this Act, all reasonable charges for inquiring into such person's insanity, and for conveying him or her to such county lunatic asylum or receptacle for insane persons, and to pay such weekly sum as they or any two justices shall, by writing under their hands, from time to time direct, for his or her maintenance in such asylum or receptacle in which he or she shall be confined; and in the case of any person removed under any former Act relating to insane prisoners, to pay such weekly sum as they or any two such justices as aforesaid shall, by writing under their hands, from time to time direct, for his or her maintenance in the asylum or receptacle in which he or she is confined; and when the place of settlement cannot be ascertained, such order shall be made upon the treasurer of the county, city, borough, or place where such person shall have been imprisoned; but if it shall appear, upon inquiry, to the said or any other two justices of the county, city, borough, or place where such person is imprisoned, that any such person is possessed of property, such property shall be applied for or towards the expences incurred or to be hereafter incurred on his or her behalf, and they shall from time to time, by order under their hands, *direct the overseers of any parish (a)* where any money or securities for money, goods, chattels, lands, or tenements of such person shall be, to seize so much of the said money, or to seize and sell so much of the said goods and chattels, or receive so much of the annual rent of the lands or tenements of such person, as may be necessary to pay the charges, if any, of inquiring into such person's insanity, and of removal, and also the charges of maintenance, clothing, medicine, and care of any such insane person, accounting for the same at the next special petty sessions of the division, city, or borough in which such order shall have been made, such charges having been first proved to the satisfaction of such justices, and the amount thereof being set forth in such order *(b)*.

When settlement not found, order to be made on treasurer of county.

In case the person is possessed of property, it shall be applied towards the expence.

Persons charged with misdemeanors, acquitted on the ground of insanity, may be kept in custody.  
39 & 40 Geo. III. c. 94.

III. "And whereas it is expedient that the same provision should be made with regard to persons charged with misdemeanors as is made with regard to persons charged with treason, murder, or felony by virtue of an Act passed in the session holden in the thirty-ninth and fortieth years of the reign of King George the Third, intituled 'An Act for the safe Custody of Insane Persons charged with Offences;'" Be it therefore enacted, that in all cases where it shall be given in evidence

(a) See 27 & 28 Vict. c. 29, s. 5. Vict. c. 70, s. 120; 16 & 17 Vict.

(b) See 7 & 8 Vict. c. 101, s. 27; c. 97, ss. 94, 104.  
13 & 14 Vict. c. 101, s. 5; 16 & 17

#### RECOVERY OF TRUST MONEY.

Decision on sect. 2.

The 3 & 4 Vict. c. 54, s. 2, did not apply to the recovery of a balance of money in the hands of a trustee after sale of the estate of a lunatic, for payment of mortgage thereon: In re *Simpson's Trust Estate*, 20 L. J. M. C. 231; 15 Jur. 754; 18 Q. B. 77.

upon the trial of any person charged with any misdemeanor that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether such person was acquitted by them on account of such insanity; and if they shall find that such person was insane at the time of the committing such offence the court before whom such trial shall be had shall order such person to be kept in strict custody, in such place and in such manner as to the court shall seem fit, until Her Majesty's pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such order for the safe custody of such person, during her pleasure, in such place and in such manner as to Her Majesty shall seem fit; and in all cases where any person before the passing of this Act has been acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the court before whom such person has been tried, and still remains in custody, it shall be lawful for Her Majesty to give the like order for the safe custody of such person during her pleasure as Her Majesty is hereby enabled to give in the case of any person who shall hereafter be acquitted on the ground of insanity; and in all such cases any two justices of the peace of the county, city, or place where such person shall have been acquitted on account of insanity, or shall be kept in custody, shall have the like power as is given in the cases before mentioned (c) to inquire into and ascertain the last legal settlement of such insane person, and also to make the like order or orders for the payment of such person's maintenance and of other charges as above mentioned (d).

Like powers as in cases before mentioned for inquiring into settlement and ordering maintenance.

(c) See sect. 2; and 39 & 40 Geo. 3, c. 94.

(d) See 27 & 28 Vict. c. 29, s. 6.

#### ORDER OF MAINTENANCE.

H. L. was convicted of felony, at the Lent Assizes for Wilts, 1864, and was sentenced to be imprisoned in the gaol at D. for twelve calendar months. While undergoing his sentence he became insane, in June, 1864, and was removed by an order of a secretary of state to a lunatic asylum, under 3 & 4 Vict. c. 54. On the 28th of March, 1867, two justices of the county of Wilts, sitting in the borough of D., adjudicated the place of the last legal settlement of H. L. to be in the parish of B., in the union of B., and they ordered the guardians of the union to pay to the keeper of the gaol 5*l.* 15*s.* 3*d.*, for the reasonable charges of inquiring into the settlement, and of conveying him to the asylum, and to pay to the keeper of the asylum 11*l.* 15*s.* 4*d.*, for the costs of maintenance from the 23rd of June, 1864, to the 25th of March, 1867, and the weekly sums which should from time to time be ordered for his maintenance: Held, first, *per totam Curiam*, that the order was not bad by reason of its having been made after the expiration of the term of the sentence. Secondly, that the county justices had jurisdiction to make it, although they were sitting in the borough which possessed an exclusive jurisdiction. Thirdly, Blackburn, J., *dubitante*, that

*Decision on sect. 3.*

Persons  
aggrieved  
may appeal  
from the order  
of the justices.

IV. Provided always, that if any person shall feel aggrieved by any order of any justices as aforesaid, such person may appeal to the justices of the peace at the next quarter sessions of the peace to be holden in and for the county, city, borough, or place where the matter of appeal shall have arisen, the person so appealing having given to the justices against whose order such appeal shall be made ten days' notice of his or her intention to make such appeal: and the said justices at such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and to make such determination as they shall think proper, and shall and may also award such further satisfaction to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and every such determination shall be final and conclusive to all intents and purposes whatsoever, and no *certiorari* shall be allowed.

Overseers or  
guardians  
may appeal  
against the  
order of the  
justices on  
the parish.

V. Provided also, that the overseers of the parish (a) in which the justices shall adjudge any insane person to be settled, or in case such parish be comprised in a union, or be under the management of a board of guardians, then either the guardians of such union or parish (as the case may be), or the overseers of such parish (a), may appeal against such order to the general quarter sessions of the peace to be holden for the county, city, borough, or place where such order shall be made, in like manner and under like restrictions and regulations as against any order of removal, giving reasonable notice thereof to the clerk of the peace of such county, city, borough, or place, who shall be respondent in such appeal, which appeal the justices of the peace assembled at the said general quarter sessions are hereby authorized and empowered to hear and determine in the same manner as appeals against orders of removal are now heard and determined.

(a) See 27 & 28 Vict. c. 29, s. 6.

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#### ORDER OF MAINTENANCE—continued.

Decision on  
sect. 3.

the order was bad as to the 114*l.* 15*s.* 4*d.*, on the ground that it was retrospective. Held, per Mellor, J., that it was not bad simply because it was retrospective, but because the keeper of the asylum ought to have applied for it in a more reasonable time, and that, after so great a lapse of time, the justices ought not to have made it: *Bradford v. Clerk of the Peace for Wilts*, 37 L. J. M. C. 129; 18 L. T. (N. S.) 515; 9 B. & S. 660; L. R. 3 Q. B. 604.

#### SUFFICIENCY OF NOTICE OF APPEAL.

Decision on  
sect. 5.

On an appeal against an order made on a board of guardians for the maintenance of a criminal lunatic under the 3 & 4 Vict. c. 54, s. 5, the practice follows the procedure in appeals against orders of removal: and when application is made within the 21 days from the service of the order for a copy of the depositions, the guardians have, as in the case of poor removal appeals, 14 days from the time the copy is sent in which to give their notice of appeal: *Reg. v. Newport*, 33 L. J. M. C. 155; 10 L. T. (N. S.) 384; 10 Jur. (N. S.) 516.

The clerk to the guardians, who was an attorney, signed the notice of appeal, "H. H., clerk to the aforesaid guardians," and it was held that this was a sufficient notice of appeal on the part of the guardians: *Ib.*

VI. So much of an Act passed in the ninth year of the reign 9 Geo. IV. of His Majesty King George the Fourth, intituled "An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in England," as relates to the removal of any person imprisoned under sentence of imprisonment or transportation to any county lunatic asylum or other proper receptacle, shall be and the same is hereby repealed.

VII. "And whereas by the said last-mentioned Act it was among other things enacted, that it should be lawful for two justices of the peace of the county where any person should be kept in custody as an insane person by order of any court, or by His Majesty's order subsequent thereunto, to inquire into and ascertain the settlement and circumstances of such insane person, and to make order for the payment of such weekly sum for his or her maintenance as one of His Majesty's principal secretaries of state should, by writing under his hand, from time to time direct: And whereas it is expedient that so much of the said Act as relates to such direction to be given by such secretary of state should be repealed, and other provisions made in the place thereof;" Be it therefore enacted, that so much of the said Act as relates to such directions to be given by such secretary of state shall be and the same is hereby repealed; and that it shall be lawful for such two justices, by order under their hands, to direct the overseers of the parish in which they shall adjudge such insane person as last aforesaid to be legally settled, or in case such parish shall be comprised in a union declared by the poor law commissioners, or shall be under the management of a board of guardians established by the poor law commissioners, then the guardians of such union or parish, as the case may be, to pay such weekly sum for the maintenance of such person as they or any such two justices shall by writing under their hands, direct (b).

VIII. And in order to remove doubts as to the meaning of certain words in this Act, be it enacted that the words "treasurer of the county, city, borough, or place" shall be deemed to include any officer in any county, riding, division, liberty, county of a city, county of a town, cinque port, or town corporate, who has the custody of any funds assessed upon or raised in or belonging to such county, riding, division, liberty, county of a city, county of a town, cinque port, or town corporate, in the nature of county rates, and applicable to the purposes to which county rates are applicable; and that the words "insane person" shall be deemed to include any lunatic or dangerous idiot; and that the words "county, city, borough, or place," shall be deemed to include any county, riding, division, liberty,

So much of 9 Geo. IV. c. 40, s. 54, as relates to orders for the payment of money for amount of maintenance of insane prisoners, to be settled by secretary of state, repealed.

Rules for interpretation of this Act.

(b) See 9 Geo. 4, c. 40, s. 54, which is not wholly repealed by the above provision, but the whole Act is repealed by 8 & 9 Vict. c. 126, which, however, does not appear to affect s. 7 of 3 & 4 Vict. c. 54.

county of a city, county of a town, cinque port, or town corporate; and the word “parish” shall be deemed to include any township, hamlet, tithing, vill, extra-parochial place, or any place maintaining its own poor.

Limitation  
of Act.

IX. This Act shall extend only to England and Wales.

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### 3 & 4 VICT. CHAP. 61.

AN ACT to amend the Acts relating to the general Sale of Beer and Cider by Retail in England.

[7th August, 1840.]

11 Geo. IV.  
and 1 Will. IV.  
c. 64.

4 & 5 Will. IV.  
c. 85.

Licence to re-  
tail beer not  
to be granted  
to any but the  
real resident  
occupier, nor  
in respect of  
any house  
rated at less  
than 15*l*. per  
annum within  
the bills of  
mortality, or  
in cities,  
towns, &c.  
containing  
10,000 inha-  
bitants;

nor less than  
11*l*. per an-  
num in places  
exceeding  
2,500 inha-  
bitants;

“WHEREAS an Act was passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled ‘An Act to permit the general Sale of Beer and Cider by Retail in England:’ And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled ‘An Act to amend an Act passed in the First Year of His present Majesty, to permit the general Sale of Beer and Cider by Retail in England:’ And whereas it is expedient to alter and amend the said Acts:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that no licence to sell beer or cider by retail under the said recited Acts or this Act shall be granted to any person who shall not be the real resident holder and occupier of the dwelling house in which he shall apply to be licensed, nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor of the parish, township, or place in which such house and premises are situate on a rent or annual value of fifteen pounds per annum at the least if situated in the cities of London or Westminster, or within any parish or place within the bills of mortality, or within any city, cinque port, town corporate, parish, or place, the population of which according to the last parliamentary census shall exceed ten thousand, or within one mile, to be measured by the nearest public street or path, from any polling place used at the last election for any town having the like population, and returning a member or members of parliament; nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor of the parish, township, or place in which such house and premises are situate on a rent or annual value of eleven pounds per annum, if situated within any city, cinque port, town corporate, parish, or place,

the population of which according to such last parliamentary census shall exceed two thousand five hundred and shall not exceed ten thousand, or within one mile, to be measured as aforesaid, from any polling place used at the last election for any town having the like population as last aforesaid, and returning a member or members of parliament; nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor, of the parish, township, or place, in which such house and premises are situate on a rent or annual value of eight pounds, if situated elsewhere than as aforesaid; and every licence granted contrary hereto shall be null and void.

nor less than 8*l.* per annum in places situated elsewhere.

II. Every person who shall apply to be licensed to retail beer or cider shall produce to the proper officer of excise authorized to grant such licences, a certificate in writing from an overseer of the township, parish, or place in which he shall reside, certifying that such applicant is the real resident, holder, and occupier of the said house, and also certifying the true rent or annual value at which such house, with the premises occupied therewith, is rated in one rating to the poor rates, according to the last sum or rate made and allowed in such township, parish, or place for the relief of the poor; and every such certificate shall be deposited and left with the proper officer of excise by whom such licence shall be granted; and a duplicate thereof shall be deposited and left with the clerk of the peace for the county, riding, or city within which such township, parish, or place is situate (a).

Person applying to be licensed to produce a certificate of his being the real resident occupier of the house, and of the amount at which it is rated.

(a) See 4 & 5 Will. 4, c. 85, s. 2; s. 4 (1); 33 & 34 Vict. c. 111, s. 1; 24 & 25 Vict. c. 21, s. 3; 32 & 33 and as regards the metropolis, 32 & 33 Vict. c. 27, s. 7; 33 & 34 Vict. c. 29, Vict. c. 67, s. 45.

#### BEERHOUSE LICENCE.

Although the fact that the applicant is the real resident, holder, and occupier is essential to give validity to a licence under 3 & 4 Vict. c. 61, s. 1, the certificate of the overseer of the fact is not a condition precedent to the obtaining of the licence. And where the overseer declined to certify, but the supervisor of excise obtained information which satisfied him that the applicant was the resident, holder, and occupier, and thereupon the licence was granted, the licence was held to be valid: *Thompson v. Harvey*, 32 L. T. 320.

*Decisions on sect. 1.*

A beerhouse situated in a township having a population of less than 10,000 inhabitants, according to the last parliamentary census, must, if such township be within a parish containing more than 10,000 inhabitants, be rated at one sum to the rate for the relief of the poor of the township in which such house is situate on a rent or annual value of 15*l.* per annum at the least, or otherwise the licence is null and void under the 3 & 4 Vict. c. 61, s. 1: *Preston v. Buckler*, 39 L. J. M. C. 105; L. R. 5 Q. B. 391; 22 L. T. (N. S.) 653.

If a shop be occupied with a dwelling house, and they together be assessed in a sufficient sum, the terms of s. 1 of 3 & 4 Vict. c. 61, are satisfied: *Garratty v. Potts*, 40 L. J. M. C. 1.

## 3 &amp; 4 VICT. CHAP. 88.

AN ACT to amend the Act for the Establishment of County and District Constables.  
[7th August, 1840.]

\* \* \* \* \*

So much of first-recited Act as directs the expences to be paid out of the county rate repealed; and justices in general or quarter sessions to make a police rate.

III. So much of the first-recited Act as provides that the expences of putting the said Act in execution shall be paid out of the county rate shall be repealed; and that, for the purposes of defraying the expences of the said Act in any county in which, or in any part of which, the said Act shall be put in force, the justices of such county in general quarter session assembled, shall make a fair and equal police rate, and for that purpose shall assess and tax the whole district for which the constables are appointed rateably and equally, according to a certain pound rate of the full and fair annual value of all messuages, land, tenements, and hereditaments liable to the county rate, or which, if the whole of the said district were to all intents and purposes within their county, would be liable to the county rate therein, including all detached parts of other counties, and also all liberties and franchises (except as hereinafter excepted) which are locally situated in such county, or wholly or partly surrounded by such county, and declared by the said Act to be considered as forming part of such county for the purposes of the said Act, but excluding all detached parts of the said county, all parts of the county contributing to the police rate of any other county, or to the metropolitan police rate, and all incorporated boroughs which are or shall be within the provisions of an Act passed in the sixth year of the reign of His late Majesty for regulating corporations, or of any charter granted in pursuance of the last-recited Act, or of any Act made for the amendment thereof, and all those towns and places for which constables or watchmen shall have been appointed under the Act passed in the fourth year of His late Majesty making provisions for the lighting and watching of parishes in England and Wales, or under any local Act authorizing the appointment of constables or watchmen in any town or place, and authorizing rates to be made for defraying the expences of such constables or watchmen, and shall not be discontinued before the passing of this Act, until they shall be discontinued, or until the chief constable of the county within which, for the purposes of this and the said first-recited Act, such parish, town, or place is situated, shall have notified, as he is hereinafter empowered to do, that he is ready to undertake the charge of such parish, town, or place: Provided always, that all expences of putting the said Act in execution before the passing of this Act shall be paid out of the county rate as if this Act had not been made.

IV. The value of all property rateable for the purposes of the said Act shall be computed by the said justices according to the last valuation for the time being acted upon in assessing the county rate or liberty rate, or rate in the nature of a county rate (if any), to which such property is rateable, unless, in the case of any liberty or franchise or detached part of any county, the justices of the county in which such liberty or franchise or detached part is situated shall be dissatisfied with such valuation.

V. Every police rate which the justices shall have made as aforesaid shall be collected in their county from the persons who are liable to contribute thereunto with and as part of the county rate; and the warrants issued by the justices to the high constables, and by the high constables to the overseers and others required to collect the county rates, shall distinguish between the rates to be levied from those places which are liable to the police rate in that county and those which are not liable thereunto, and shall state how much is levied for the county rate, and how much for the police rate, and the said rates shall be levied accordingly (a).

VI. It shall be lawful for the justices of any county in general or quarter session assembled, for the purpose of obtaining the sum which ought to be contributed from any detached part of any other county, or any liberty or franchise not contributing to the county rate of such first-mentioned county, towards any such police rate, from time to time to issue a warrant under the hands of two or more of them, by which warrant they shall require the treasurer of the county to which such detached part belongs, or the treasurer or other person (if any) having the receipt of any liberty rate, or rate in the nature of a county rate levied within such liberty, to pay to the treasurer of such first-mentioned county, out of the monies collected by way of county rate, liberty rate, or rate in the nature of a county rate, the amount mentioned in the warrant; and the person to whom any such warrant shall be directed shall, within forty days from the delivery of such warrant to him, pay the amount to the treasurer of the county from which such warrant shall have issued, and shall be allowed for the same in his accounts with his county or liberty; and every such warrant shall specify the rate in the pound at which the sum mentioned therein shall be computed.

VII. For the purpose of reimbursing the treasurer or other person by whom any such sum shall have been paid, the justices of the county to which such detached part belongs, or of the liberty or franchise, as the case may be, shall order a police rate to be made, at the rate mentioned in the warrant, upon such detached part of their county, or upon such liberty or franchise respectively, which shall be levied and collected thereon with and as part of the county rate, liberty rate, or

How property rateable is to be valued.

Police rate to be levied with the county rate.

Contributions on account of liberties and detached parts of counties.

How treasurer of such other county or liberty shall be reimbursed.

rate in the nature of a liberty rate, to which such detached part of a county or such liberty or franchise is liable in like manner as the police rate is levied and collected by order of the justices of any county for the expences of the police of their own county.

In case of default, or for other good cause, the amount may be levied on the inhabitants.

VIII. If any payment shall not be made within the said forty days, according to the exigency of the warrant, or if there shall be no person to whom such warrant can be directed, or no county rate, liberty rate, or rate in the nature of a county rate, to which the inhabitants of such liberty or detached part of another county contribute, or if the justices of the first-named county shall be dissatisfied with the valuation upon which such rate was assessed, or if, for any other reason, it shall seem more convenient to the justices of the first-mentioned county, it shall be lawful for them to levy the full amount of the police rate upon any such detached part of another county or liberty or franchise in respect of which such amount is demandable; and for the purpose of levying and collecting such rates the justices of such first-mentioned county shall have within every such detached part of another county and within every such liberty and franchise respectively, the same powers which they have for levying and collecting county rates within the limits of their own commission; and such rates may be levied and collected by the like methods, and subject to the same right of appeal, as if such detached parts of another county or such liberty or franchise respectively were part of such first-mentioned county, and within the hundred, wapentake, ward, rape, lathe, or such other division of the county in which they are locally situated, or, if not wholly lying in one hundred, wapentake, ward, rape, lathe, or such other division, in that one with which they have the longest common boundary respectively; and the high constable<sup>(a)</sup> of every such hundred, wapentake, ward, rape, lathe, or such other division, on the receipt of a warrant to that effect under the hands of two or more of the said justices, shall collect the said rates; and the overseer of the poor, or in default of overseers, or in case there shall be no separate rate for the relief of the poor in any portion of such detached part or liberty or franchise, such person or persons as the justices of the first-mentioned county in quarter session assembled shall appoint for that purpose in every parish and place to which such detached parts or liberty or franchise, or any part thereof, belong, upon receipt of a warrant to that effect from such high constable, shall pay the amount assessed upon their parish or place respectively, or upon that part of it which is liable thereunto, in like manner, and subject to the like penalties in case of default, as if such detached parts or liberty or franchise were part of such first-mentioned county, and within such hundred, wapentake, ward, rape, lathe, or other division as aforesaid respectively.

(a) See 32 & 33 Vict. c. 47.

IX. The treasurer of any county, or any person having an Right of order for that purpose under the hand of such treasurer, may inspecting inspect any county rate made or to be made for any other county and county or liberty or franchise the inhabitants of any part of liberty rates. which shall be liable to be rated to the police rate, in the first-named county, and may also inspect any returns concerning all or any of the parishes, townships, precincts, and places, whether parochial or extra-parochial, the inhabitants of which are liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to county rates, and may take copies or extracts from any such rates or returns, without payment of any fee or reward; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such treasurer or other person authorized as aforesaid to inspect the same, or to take copies or extracts from the same, within two days after such order shall have been produced and shown to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum not exceeding ten pounds as they shall think meet.

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### 3 & 4 VICT. CHAP. 89.

AN ACT to exempt, until the Thirty-first day of December, One thousand eight hundred and forty-one, Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor (*b*).

[10th August, 1840.]

“WHEREAS by an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled ‘An Act for the Relief of the Poor,’ it was amongst other things provided, that the overseers of every parish should raise, by taxation of every inhabitant, parson, vicar, and other, and of every occupier of lands, houses, tithes impropriate, appropriations of tithes, coal mines, or saleable underwoods, in the said parish, in such competent sum and sums of money as they shall think fit, a convenient stock

(*b*) See 43 Eliz. c. 2, s. 1.

### POLICE RATES IN LIBERTIES.

The police rate made and assessed under 2 & 3 Vict. c. 93, and 3 & 4 Vict. c. 88, is assessable in the Liberty of Romney Marsh, which was incorporated by charter of James I., in 1604, and ever since has been exempt from the jurisdiction of the county justices, having its own rate in the nature of a county rate, maintaining its own constables, and having a gaol and court of quarter sessions: *Reg. v. Lackmanstone*, 2 L. T. (N. S.) 215. *Decision on 3 & 4 Vict. c. 88, s. 9.*

of necessary ware and stuff to set the poor on work, and also competent sums of money for and towards the relief of the poor not able to work, and also for the putting out of poor children to be apprentices, to be gathered out of the same parish according to the ability of the same: And whereas by another Act passed in the session of parliament holden in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled

13 & 14 Car. 2, 'An Act for the better Relief of the poor of this Kingdom,' the provisions of the said Act of Elizabeth were extended to certain townships and villages: And whereas, by reason of the provisions of the said Acts, it has been held that inhabitants of parishes, townships, and villages, as such inhabitants, are liable, in respect of their ability derived from the profits of stock in trade and of other property, to be taxed for and towards the relief of the poor, and it is expedient to repeal the liability of inhabitants, as such, to be so taxed:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the

same, that from and after the passing of this Act it shall not be lawful for the overseers of any parish, township, or village to tax any inhabitant thereof, as such inhabitant, in respect of his ability derived from the profits of stock in trade or any other property, for or towards the relief of the poor: Provided always, that nothing in this Act contained shall in anywise affect the liability of any parson or vicar, or of any occupier of lands, houses, tithes impropriate, propriations of tithes, coal mines, or saleable underwoods, to be taxed under the provisions of the said Acts for and towards the relief of the poor.

13 & 14 Car. 2,  
c. 12.

Stock in trade  
not to be  
rated.

Duration of  
Act.

II. This Act shall be in force till the thirty-first day of December in the year of our Lord one thousand eight hundred and forty-one, and that from the said thirty-first day of December this Act, and all the provisions hereinbefore contained, shall absolutely cease and be of no effect (*a*).

(*a*) The exemption of stock in trade from rateability to the poor rate was continued from year to year by the following Acts:—5 Vict. c. 7; 5 & 6 Vict. c. 50; 6 & 7 Vict. c. 48; 7 & 8 Vict. c. 40; 8 & 9 Vict. c. 79; 9 & 10 Vict. c. 50; 10 & 11 Vict. c. 77; 11 & 12 Vict. c. 85; 12 & 13 Vict. c. 61; 13 & 14 Vict. c. 50;

14 & 15 Vict. c. 47; 15 & 16 Vict. c. 18; 16 & 17 Vict. c. 105; 17 & 18 Vict. c. 66; 18 & 19 Vict. c. 51; 19 & 20 Vict. c. 42; 22 & 23 Vict. c. 44; 26 & 27 Vict. c. 95; 29 & 30 Vict. c. 102; 30 & 31 Vict. c. 143; 31 & 32 Vict. c. 111; 32 & 33 Vict. c. 85; 33 & 34 Vict. c. 103; 34 & 35 Vict. c. 95.

## 4 &amp; 5 VICT. CHAP. 38.

AN ACT to afford further Facilities for the Conveyance and Endowment of Sites for Schools.

[21st June, 1841.]

“WHEREAS it is expedient that greater facilities should be given for the erection of schools and buildings for the purposes of education: \* \* \*

\* \* \* \* \*

VI. It shall be lawful for any corporation, ecclesiastical or lay, whether sole or aggregate, and for any officers, justices of the peace, trustees, or commissioners, holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects, subject to the provisions next hereinafter mentioned, to grant, convey, or enfranchise, for the purposes of this Act, such quantity of land as aforesaid in any manner vested in such corporation, officers, justices, trustees, or commissioners: Provided always, that no ecclesiastical corporation sole, being below the dignity of a bishop, shall be authorized to make such grant without the consent in writing of the bishop of the diocese to whose jurisdiction the said ecclesiastical corporation is subject: Provided also, that no parochial property shall be granted for such purposes without the consent of a majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting to be convened according to the mode pointed out in the Act passed in the sixth year of the reign of His late Majesty, intituled “An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales”<sup>(b)</sup>, and without the consent of the poor law commissioners, to be testified by their seal being affixed to the deed of conveyance, and of the guardians of the poor of the union within which the said parish may be comprised, or of the guardians of the poor of the said parish where the administration of the relief of the poor therein shall be subject to a board of guardians, testified by such guardians being the parties to convey the same: Provided also, that where any officers, trustees, or commissioners, other than parochial trustees, shall make any such grant, it shall be sufficient if a majority or quorum authorized to act of such officers, trustees, or commissioners, assembled at a meeting duly convened, shall assent to such grant, and shall execute the deed of conveyance, although they shall not constitute a majority of the actual body of such officers, trustees, or commissioners: Provided also, that the justices of the peace may give their consent to the making any grant of land or premises belonging to any county, Corporations, justices, trustees, &c. empowered to convey lands for the purposes of this Act. 5 & 6 Will. IV. c. 69.

(b) See 5 & 6 Will. 4, c. 69, s. 3.

7 Geo. IV.  
c. 18.

Form of  
grants, &c.

riding, or division by vote at their general quarter sessions, and may direct the same to be made in the manner directed to be pursued on the sale of the sites of gaols by an Act passed in the seventh year of the reign of His late Majesty George the Fourth, intituled “An Act to authorize the Disposal of unnecessary Prisons in England” (a).

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X. All grants, conveyances, and assurances of any site for a school, or the residence of a schoolmaster or schoolmistress, under the provisions of this Act, in respect of any land, messuages, or buildings, may be made according to the form following, or as near thereto as the circumstances of the case will admit; (that is to say),

“ I [*or we, or the corporate title of a corporation*], under the authority of an Act passed in the        year of the reign of Her Majesty Queen Victoria, intituled ‘An Act for affording further Facilities for the Conveyance and Endowment of Sites for Schools,’ do hereby freely and voluntarily, and without any valuable consideration [*or do, in consideration of the sum of        to me or us or the said        paid*], grant, [*alienate*], and convey to        all [*description of the premises*], and all [*my or our or the right, title, and interest of the*] to and in the same and every part thereof, to hold unto and to the use of the said        and his *or* their [*heirs, or executors, or administrators or successors,*] for the purposes of the said Act, and to be applied as a site for a school for poor persons of and in the parish of        and for the residence of the schoolmaster [*or schoolmistress*] of the said school [*or for other purposes of the said school*], and for no other purpose whatever: such school to be under the management and control of [*set forth the mode in which and the persons by whom the school is to be managed, directed, and inspected*]. [*In case the school be conveyed to trustees, a clause providing for the renewal of the trustees, and in cases where the land is purchased, exchanged, or demised, usual covenants or obligations for title may be added.*] In witness whereof the conveying and other parties have hereunto set their hands and seals, this        day of        .

“ Signed, sealed, and delivered by the said        in the presence of        , of        .”

And no bargain and sale or livery of seisin shall be requisite in any conveyance intended to take effect under the provisions of this Act, nor more than one witness to the execution by each party; and instead of such attestation such conveyance of any lands or heritages in Scotland shall be executed with a testing clause, according to the law and practice of Scotland; and, being recorded within sixty days of the date thereof in the general register of seisins or particular register for the county or stewartry in which the lands or heritages lie, shall, without

(a) See 28 & 29 Vict. c. 126, s. 73.

actual seisin, be valid and effectual in law to all intents and purposes, and shall be a complete bar to all other rights, titles, trusts, interests, and incumbrances to, in, or upon the lands or heritages so conveyed.

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XX. The term “parish” in this Act shall be taken to signify every place separately maintaining its own poor, and having its own overseers of the poor and church or chapel wardens (b). Definition of the term “parish.”

#### 4 & 5 VICT. CHAP. 48.

AN ACT to render certain Municipal Corporations rateable to the Relief of the Poor in certain Cases.

[21st June, 1841.]

“WHEREAS the municipal corporations of cities and boroughs named in the schedules (A.) and (B.) annexed to the Act passed in the sixth year of the reign of King William the Fourth, to provide for the regulation of municipal corportions in England and Wales, have been held not to be liable by law to be rated to the relief of the poor in respect of any lands, tenements, and hereditaments being the properties and in the occupation of such municipal corporations, by reason that the income arising therefrom is applicable to public purposes only; and it is expedient that such municipal corporations should nevertheless in some cases be rateable and be rated to the relief of the poor in respect of such property:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the said municipal corporations named in the said schedules shall, from and after the passing of this Act, be rateable and be rated to the relief of the poor in respect of lands, tenements, and hereditaments being the property and in the occupation of such municipal corporations, as if such lands, tenements, and hereditaments were not corporate property, any law, usage, or custom to the contrary notwithstanding (c): Provided always, that where such property lies in any parish which is situate wholly within the boundaries and limits of a city or borough named in the said schedules, and in which city or borough the poor are relieved by one entire poor rate, or in which city or borough the poor within the boundaries or limits thereof as existing for municipal purposes at the time of passing the said Act were then relieved by one entire poor rate, the

Certain municipal corporations rated to the poor.

(b) See 29 & 30 Vict. c. 118, Will. 4. c. 30; 6 & 7 Will. 4, c. 96, s. 18. s. 1; and 6 & 7 Vict. c. 36.

(c) See 43 Eliz. c. 2, s. 1; 3 & 4

exemption of such property from rateability shall continue as if this Act had not passed.

The said corporations to be deemed beneficial occupiers.

II. Any of the said municipal corporations, being in the occupation of such lands, tenements, and hereditaments as are hereinbefore described, shall be deemed and taken to be beneficial occupiers thereof, for all the purposes of rating, as if such occupation was for their own private advantage, and not for any public purposes or purpose, and shall be liable to be rated as such occupiers by their corporate style and title.

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### 5 & 6 VICT. CHAP. 7.

AN ACT to explain the Acts for the better Regulation of certain Apprentices (*a*). [23rd March, 1842.]

20 Geo. II.  
c. 19.

“ WHEREAS by an Act passed in the twentieth year of the reign of King George the Second, intituled ‘ An Act for the better adjusting and the more easy Recovery of the Wages of certain Servants, and for the better regulation of such Servants, and of certain Apprentices,’ certain powers were given to justices of the peace in the matter of complaints or applications against their master or mistress by apprentices put out by the parish, or any other apprentice upon whose binding out no larger a sum than five pounds of lawful British money was paid, and also in the matter of applications or complaints upon oath by any master or mistress against any such apprentice : And whereas by another Act passed in the thirty-third year of the reign of King George the Third, intituled ‘ An Act to authorize Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace and Parish Officers, for Neglect of Duty, and on Masters of Apprentices for Ill-usage of such their Apprentices ; and also to make provision for the execution of Warrants of Distress granted by Magistrates,’ certain other powers were given to justices of the peace, upon complaint made to them by or on behalf of any apprentice to any trade or business whatsoever, whether bound apprentice by any parish or township, or otherwise, provided that not more than the sum of ten

33 Geo. III.  
c. 55.

(*a*) See 20 Geo. 2, c. 19 ; 32 Geo. 3, c. 29 ; and 7 & 8 Vict. c. 101, ss. 12, c. 57 ; 33 Geo. 3, c. 55 ; 4 Geo. 4, 13.

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### EXEMPTION OF CORPORATE PROPERTY.

*Decision on*  
*4 & 5 Vict.*  
*c. 48, s. 1.*

The exemption created by this Act is not affected by the decision in *Jones v. Mersey Docks*, nor by the 28 & 29 Vict. c. 79 ; and a corporation not included in Scheds. (A.) and (B.) of 5 & 6 Will. 4, c. 76, is, by 28 & 29 Vict. c. 79, s. 2, entitled to the benefits of the exemption : *Reg. v. Oldham, Mayor, &c.*, of, 37 L. J. M. C. 169 ; L. R. 3 Q. B. 474.

pounds was paid upon the binding of such apprentice; all which powers, by an Act passed in the fourth year of the reign of King George the Fourth, intituled 'An Act to increase the Power of Magistrates in cases of Apprenticeships,' were afterwards extended to cases of the like complaints or applications where no larger sum than twenty-five pounds was paid: And whereas by an Act passed in the thirty-second year of the reign of King George the Third, intituled 'An Act for the further Regulation of Parish Apprentices,' certain enactments were made concerning parish apprentices, upon the binding out of whom no larger sum than five pounds had been or should be paid: And whereas doubts have been entertained whether the said Acts apply to the case of any apprentice where no sum of money was paid on the binding of such apprentice;" Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all the powers and provisions of the said Acts and each of them shall be taken to extend to apprentices where no sum or premium of apprenticeship has been or shall be paid on the binding of such apprentice.

Recited Acts  
declared to  
extend to ap-  
prentices  
where no  
premium was  
paid.

#### 5 & 6 VICT. CHAP. 18.

AN ACT to explain and amend the Acts regulating the Sale of Parish Property, and to make further Provision for the Discharge of Debts, Liabilities, and Engagements incurred by or on behalf of Parishes (*b*).

[13th May, 1842.]

WHEREAS by an Act passed in the sixth year of the reign of His late Majesty, intituled 'An Act to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes, in England and Wales' (*c*), it was among other things enacted, that it should be lawful for the guardians and overseers of the poor of any parish or union of parishes, under the direction and with the approbation of the poor law commissioners for England and Wales, to dispose of, by way of absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings, for the purpose of the same being used as the site of a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the said poor law commissioners might approve of; and doubts have been raised as to the meaning in certain cases of this provision:" Be it therefore enacted by the Queen's most excellent Majesty, by and with

5 & 6 Will. IV.  
c. 69, s. 1.

All sales and  
dispositions

(*b*) See 30 & 31 Vict. c. 106, s. 30.

(*c*) See 5 & 6 Will. 1, c. 69.

of lands, buildings, &c. by overseers and acting guardians of dissolved incorporations to unions formed under 4 & 5 Will. IV. c. 76, and 7 Will. IV. & 1 Vict. c. 50, deemed valid.

Explanation of the meaning of 5 & 6 Will. IV. c. 69, s. 3.

Proviso for charitable donations ;

the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all sales, lettings, exchanges, or dispositions of lands, buildings or other property, belonging to any parish or union not formed by the poor law commissioners, which shall have been or shall be made for any of the said recited purposes by virtue of the said Act, and of the statute amending the same passed in the first year of the reign of Her Majesty, under the order of the said commissioners, by a majority of the overseers of such parish or of the last acting guardians of such union respectively, to the guardians of any union formed by the said commissioners, shall be and be taken to have been valid.

II. "And whereas by the said Act it was further enacted, that it should be lawful for the guardians of any parish or union, and for the overseers of any parish not under the management of a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or the person or persons who were the guardians or trustees, guardian or trustee of any dissolved union at the time of its dissolution, or a majority of such guardians, trustees, or persons, if more than one, with the approbation and subject to the rules, orders, and regulations of the poor law commissioners, to sell, exchange, let, or otherwise dispose of any workhouse, tenements, buildings, land, effects, or other property belonging to any such parish or union, or vested in trustees or feoffees in trust for such parish or union, or for the parishioners, rate-payers, or inhabitants thereof, or which belong or did belong to any dissolved union, and every or any part of such property, and to convey, assign, or transfer the same accordingly to the purchasers or parties exchanging, as they should direct ; which said provisions have been extended by the said Act passed in the first year of the reign of Her present Majesty, and doubts have arisen as to the meaning and extent of such provisions ;" Be it therefore declared and enacted, that the said provisions shall be deemed to have authorized and to authorize the sale, exchange, letting, and disposal, by the guardians of a union formed or to be formed by the said commissioners, of any workhouse, tenements, buildings, land, effects, or other property belonging to any parish which shall be comprised in the said union, and in cases of the sale, exchange, letting, and disposal of workhouses, tenements, buildings, land, effects, and other property belonging to a dissolved union to have applied and to apply to a majority of the persons who were the last acting guardians previous to the dissolution of such union : Provided always that nothing in this Act shall be deemed to render valid or to authorize the sale, exchange, letting, or other disposition of any property whatsoever which shall have been given or bequeathed by way of charitable donation, or shall have been allotted in right of some charitable donation or otherwise for the poor persons of any parish, and not for the general benefit

of the rate-payers, parishioners, or inhabitants of such parish, and for consent of rate-payers, &c. to certain sales, &c. nor to dispense with the consent of the rate-payers and owners of property required by the said last-recited Act (a), to all sales, exchanges, lettings, or other dispositions of property belonging to any parish, except in the case next hereinafter provided.

III. Where several parishes shall have been or shall be jointly interested in any workhouse, tenements, buildings, lands, whether of freehold, copyhold, or customary tenure, effects, or other property, it shall be deemed to have been and shall be lawful for the said commissioners, upon the application of the overseers of the major part of such parishes, and with the consent of the rate-payers and owners of property in the major part of such parishes, to be ascertained in the manner directed by the said Act, to order the same to be sold, let, exchanged, or disposed of by the guardians of the union in which such parishes or the greater part thereof shall be situate, in such manner, and subject to such rules, orders, and regulations, as the said commissioners shall deem fit; and it shall be deemed to have been and to be lawful for the said commissioners to direct the application of the produce arising from such sale, letting, or disposition in the same manner and to and for the same purposes as the produce arising from the sales of property belonging to other parishes may be applied to: Provided always, that where any conveyance, by way of sale, lease, exchange, disposition, or otherwise, of any property belonging to a parish or union, whether dissolved or not, shall have been or shall hereafter be made by the guardians of any existing union, or a majority of the last acting guardians of any dissolved union, under the order of the said commissioners, the same shall be deemed to have been and to be valid for all the purposes of such conveyance, although the legal estate in such property shall be or shall be presumed to be outstanding in some trustee or trustees who shall not have joined in such conveyance; and in cases of copyhold or customary lands the surrender of the tenant on the roll, being a trustee for any parish or union, shall not be required, but the admission of the party to whom the guardians or overseers shall, under the authority of the said recited Acts or this Act, have conveyed the same, shall take place, upon the production to the steward of the manor of which such lands shall be held of the conveyance from such guardians or overseers duly executed and upon payment of such fines, dues, or services to the lord of the manor of which the said lands shall be holden, and his steward, as they respectively would be entitled to upon the admission of such party after a surrender by a tenant on the roll.

For sale of property belonging to several parishes.

Proviso that no trustee shall be required to join in any conveyance of parochial property.

IV. "And whereas by an Act passed in the first year of the reign of Her present Majesty, to explain and amend an Act of the seventh year of His late Majesty, for extending the period for the repayment of loans made under an Act passed in the

Provisions of 1 & 2 Vict. c. 25, for the payment of

(a) See 5 & 6 Will. 4, c. 69, s. 3.

debts out of the produce of the sale of parochial property extended to any recognized *bonâ fide* debts.

fifth year of His said late Majesty, for the Amendment and better Administration of the Laws relating to the Poor in England and Wales (*a*), provision was made for payments in certain cases out of the produce arising from sales of parish property, in liquidation of the debts, liabilities, or engagements of such parish, and it is expedient to extend the operation of the said Act;” Be it enacted, that the powers and provisions of the said recited Act shall extend and apply to the payment of any debts, liabilities, or engagements which heretofore have been *bonâ fide* entered into by the parish officers or other person or persons on behalf of any parish, and which shall be proved to the poor law commissioners to have been recognized, within one year before the passing of the said Act of the fifth year of His late Majesty, as existing parish debts, liabilities, or engagements, by the inhabitants of such parish in vestry assembled, or by payment and allowance of interest thereon out of the funds applicable to the relief of the poor of such parish.

Poor law commissioners may, upon receipt of a parochial request, order payment of the aforesaid debts out of the poor rates.

V. It shall be lawful for the poor law commissioners, by an order under their hands and seal, upon the receipt of a copy under the hands of the overseers of the poor of any parish of a resolution passed at a meeting of rate-payers and owners of property entitled to vote according to the provisions of the said Act of the fifth year of the reign of His late Majesty, duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meetings shall have been given in like manner as notices of vestry meetings are published and given, consenting to the issue of such order to direct the said overseers, by equal annual instalments, not exceeding ten, to pay or discharge, out of the poor rates, or other monies in their hands applicable in aid of the poor rates of the said parish, any such debt, liability, or engagement as aforesaid, together with all interest due or hereafter to accrue in respect of such debt, liability, or engagement: provided that the said commissioners shall be satisfied, before they issue any such order, that such debt, liability, or engagement constitutes a fair and just claim against the said parish, and shall approve of and sanction the discharge thereof.

Overseers may borrow money, and charge the same on the poor rates, for the payment of such debts.

VI. It shall be lawful for the said overseers, and they are hereby required, if so directed by such order and resolution as aforesaid, to borrow any sum that may be requisite to enable them to pay and discharge any such debt, liability, or engagement as aforesaid, or any part thereof, and to charge the poor rates of the said parish with the repayment of the sum borrowed for such purpose, and the interest thereof, so nevertheless that the sum so borrowed shall be repaid by equal annual instalments, not exceeding ten; and every instrument by which the rates shall be charged under the provisions of this Act shall be approved of by the poor law commissioners, and registered in their office.

(*a*) See 1 & 2 Vict. c. 25, s. 2.

VII. "And whereas various sums of money have been borrowed under the authority of an Act passed in the twenty-second year of the reign of His Majesty King George the Third, intituled 'An Act for the better Relief and Employment of the Poor,' and securities authorized by that statute have been given in respect of such sums of money (*b*), and are now outstanding against the parishes on whose behalf the said sums were advanced, and the provisions of the several statutes in this behalf do not afford a satisfactory mode of liquidating such debts;" Be it therefore enacted, that where any parish is now or at any time hereafter shall be comprised in any union formed or to be formed under the said Act of the fifth year of the reign of His late Majesty, or shall be under the management of a board of guardians, and the poor rates thereof shall be liable to the payment of any debt duly borrowed and secured under the authority of the said Act of the twenty-second year of the reign of King George the Third, the guardians of such union or parish respectively shall be required to make such provision for the liquidation of the said debt in full, or by equal annual instalments, not exceeding ten, as the said commissioners shall by order under their hands and seal direct; and for such purpose such guardians are hereby empowered to make any order or orders upon the overseers of such parish as the said guardians may find necessary, and shall have all the same powers for enforcing such order or orders as they now have by law in regard to the contributions required by such guardians (*c*).

Provision for the discharge of bonds under 22 Geo. III. c. 83.

VIII. Provided nevertheless, that nothing in this Act contained shall be deemed or taken to render any debt, liability, or engagement a valid charge upon the poor rates of any parish which is not at the time of the passing hereof a subsisting legal charge thereon, except where such resolution shall have been passed and such order shall have been made as aforesaid: And provided always, that every payment out of the poor rates, either of principal or interest, in respect of any such debt, liability, or engagement, without such order of the said commissioners, shall be unlawful, and as such disallowed in the accounts of the officer or officers or other person paying the same.

Payments in respect of debts not legally charged on the rates or provided for under this Act, illegal, and to be disallowed.

IX. Every word used in this Act shall, where the context shall not be at variance with such interpretation, be deemed to express the meaning assigned thereto in the said recited Act of the fifth year of the reign of His late Majesty; and every order, regulation, mortgage, security, charge, or other instrument made and executed under the provisions of this Act shall be subject to the same incidents, exemptions, provisions, or regulations as it would have been subject to if made under the powers contained in the said last-recited Act (*d*).

Interpretation of Act.

(*b*) See 22 Geo. 3, c. 83, s. 20. All the Gilbert's Unions have now been dissolved.

c. 110, s. 1; 4 & 5 Will. 4, c. 76, s. 87.

(*d*) See 5 & 6 Will. 4, c. 69, s. 9.

(*c*) See 42 Geo. 3, c. 74; 43 Geo. 3,

## 5 &amp; 6 VICT. CHAP. 35.

AN ACT for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices until the 6th day of April, 1845.

[22nd June, 1842.]

\* \* \* \* \*

Commissioners entitled to certificates exempting them from parish and ward offices and serving on juries.

XXXV. Every person acting as a commissioner as aforesaid in the execution of this Act shall on request be entitled unto a certificate thereof under the hands of the commissioners of stamps and taxes, which certificate shall continue in force so long only as such person shall continue to act as such commissioner, and shall be revocable by the commissioners of Her Majesty's treasury, by any instrument in writing under their hands, when it shall appear to them that such person hath neglected to perform his duty as such commissioner; and the person to whom such certificate shall have been granted shall, during the continuance thereof in force, be discharged of and from all parish and ward offices within the parish or ward wherein such person shall dwell, and from serving on juries in the county wherein such person shall dwell, which said certificate shall be enrolled by the clerk of the peace of the county or city in which the same shall be granted, for which enrolment the said clerk of the peace shall have for his fee the sum of one shilling, and no more; and the said clerk of the peace shall cause every certificate revoked in manner aforesaid to be taken off the roll on notice thereof to be given to him by the commissioners of stamps and taxes (a).

\* \* \* \* \*

Duties in Schedule (A.) to be charged under the following rules.

LX. The duties hereby granted and contained in the said schedule marked (A.) shall be assessed and charged under the following rules, which rules shall be deemed and construed to be a part of this Act, and to refer to the said duties, as if the same had been inserted under a special enactment (b).

\* \* \* \* \*

Assessors on bringing in their assessments, shall, if required, give notice to overseers of the poor to produce the rate books.

LXXV. The assessors to be appointed for the said duties in England shall, at the time of bringing in their assessments if required so to do by any surveyor or inspector of the said duties, or by the respective commissioners, give notice to the overseers of the poor of the parish or place where they shall act, to produce or cause to be produced to the said commissioners the book or books, or a true copy thereof, in which shall have been entered the rates made for the relief of the poor of such parish or place, and also a true copy of the last rate made for the

(a) See 34 & 35 Vict. c. 103, s. 30.

(b) See 32 & 33 Vict. c. 67, ss. 51, 77, and Sch. 5.

relief of the poor in such parish or place, and such overseers shall without fail produce such book or books to the said commissioners, or deliver the same to the said inspector or surveyor, for their use, and the said assessors shall declare in writing, signed by them, whether the said rates are made on the full value of the properties therein, or on any and what proportionate part thereof, to the best of their knowledge and belief; and the said commissioners shall, in case the said surveyor or inspector shall allege and show to the satisfaction of the said commissioners that the said assessments or any of them have not been made according to the directions of this Act, examine the said assessors, and also the overseers of the poor for the same parish or place, or any of them, being duly summoned for that purpose, on their oaths, touching the proportions between the said rates and the value of the properties charged therein, and whether the properties, or any and which of them, have been valued therein at the amount or at any and what proportion of the annual value thereof respectively, and what ought to be the just proportion between the rates on the different properties therein charged, if the amount of the values thereof, and the same proportion between the rates, had been observed throughout the rate, and also what property shall have been omitted to be rated, and which of the properties in the parish or place shall be entitled to be assessed on the profits or on an average of the profits according to this Act; and the said inspector or surveyor shall carefully examine the assessments made by the same assessors with the last rate made for the relief of the poor, in order that he may the better ascertain whether the said assessments have been made on all the properties situate in each parish, and according to the directions prescribed by this Act, and from the result of the said inquiries may rectify the same in any particulars which in his judgment may be requisite before the commissioners allow and sign such assessment as herein directed; and in so doing may pursue, if he think fit, the rules in Number XI. of this Act before mentioned, relating to the said rates for relief of the poor (c).

Commissioners may examine assessors and overseers touching the making of the assessments.

Inspector or surveyor may rectify assessments if not duly made.

LXXVI. The several commissioners, inspectors, surveyors, and assessors acting respectively in the execution of this Act, or any person authorized by them respectively shall have liberty from time to time, and at all seasonable times, to inspect and take copies of or extracts from any book kept by any parish officer or other person, of or concerning the rates made for the relief of the poor, or any other public taxes, rates, or assessments, in any place within the limits for which they shall be appointed, without the payment of any fee whatever; and if any person in whose custody or power any of the said books shall be shall refuse or neglect to permit the said inspection, or the copies or extracts to be made as aforesaid, or to attend the said commissioners with any such book when required so to do in pursuance

Commissioners and officers may inspect public rate books, and take copies or extracts.

Penalty for refusal to permit such inspection.

of this Act, such person so offending shall forfeit any sum not exceeding twenty pounds nor less than five pounds.

\* \* \* \* \*

Interest secured on rates to be charged on the officer managing the accounts.

CII. Provided always, that where any creditor on any rates or assessments not chargeable by this Act as profits shall be entitled to such interest, it shall be lawful to charge the proper officer having the management of the accounts with the duty payable on such interest, and every such officer shall be answerable for doing all acts, matters and things necessary to a due assessment of the said duties and payment thereof as if such rates or assessments were profits chargeable under this Act, and such officer shall be in like manner indemnified for all such acts as if the said rates and assessments were chargeable.

### 5 & 6 VICT. CHAP. 48.

AN ACT to provide for the Relief of the Poor in the Forest of Dean, and other extra-parochial Places in and near the Hundred of Saint Briavel's in the County of Gloucester.

[9th July, 1842.]

“WHEREAS it is expedient that provision should be made for the relief and maintenance of the poor within the extra-parochial parts of Her Majesty's Forest of Dean and of the hundred of Saint Briavel's, and of certain extra-parochial places near or adjacent to the said hundred, in the county of Gloucester, as after mentioned:” May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all and every the extra-parochial part and parts of the Forest of Dean in the county of Gloucester lying eastward of a line drawn lengthways along the centre of the turnpike road which enters the said forest at or near Viney Hill along to Deadman's Cross, then following a line drawn lengthways along the centre of the road from Deadman's Cross to Black Pool Bridge, then following the Black Pool Brook to Fox's Bridge, then following a line drawn lengthways along the centre of the turnpike road to the Severn and Wye railroad near Cannop Bridge, then following a line drawn along the eastern boundary of the said railroad to where it quits the forest near Lidbrook, shall from and after the passing of this Act become and be a township under the name of “East Dean;” and that all and every extra-parochial parts and part of the said Forest of Dean lying westward of the said line, together with a certain extra-parochial place situate near Lydney, and adjoining the parishes of Lydney and Newland, comprising a wood called Kidnolls and other lands now or late

The Forest of Dean divided into two townships, by the names of “East Dean” and “West Dean.”

the property of Charles Bathurst, esquire, shall from and after the passing of this Act become and be a township under the name of "West Dean."

II. Each of the said two townships of "East Dean" and "West Dean" shall thenceforth and for ever, from and after the passing of this Act, maintain its own poor, and for the purposes of this Act be invested with such and the like powers, privileges, and immunities, and be subject to the same laws, authorities, and regulations as other townships in England and Wales maintaining their own poor; and the justices acting for the districts in which such townships are situate are hereby authorized and required to appoint yearly four, three, or two substantial householders as overseers of the poor for each of the said townships of "East Dean" and "West Dean," at the same time and in the same manner as by law is now required for the nomination of overseers of the poor of parishes or townships of England; and such persons so appointed shall be the overseers of the poor of such townships.

III. It shall be lawful for the poor law commissioners, and they are hereby authorized and required, at such time or times as they shall deem most fitting and convenient, to add the said township of "East Dean" to the Westbury-upon-Severn union, and the said township of "West Dean" to the Monmouth union; and the said poor law commissioners are hereby empowered to order and direct the election of a guardian or guardians for each of such townships, to act as members of the board of guardians of such unions respectively; and the said commissioners are also hereby authorized to determine from time to time, by such means as they shall deem proper, the manner and proportion in which each of the said townships shall contribute to the common fund of the union to which it shall belong, and to the purchase of any stock, goods, or materials, or to the purchase or renting of any lands or tenements which shall have been or shall be hereafter purchased or rented, or to the debts or liabilities heretofore or which may hereafter be lawfully incurred by the guardians of such union under and by virtue of any Act of parliament relating to that part of the United Kingdom of Great Britain and Ireland called England, subject as in this Act is provided; and such addition of the said several townships shall have the same effect and produce the same consequences as in the case of the addition of a parish to a union under the Poor Law Amendment Act.

IV. It shall be lawful for the poor law commissioners, by order under their hands and seal directed to the overseers of the poor of either of the said townships, to order and direct the said overseers to appoint, and pay out of the poor rates of the said townships respectively, one or more paid officers to make, assess, and levy the poor rates of the said townships respectively, and to perform therein the duties or any of them which overseers of the poor are or may be by law required to perform; and the said commissioners are hereby empowered to determine

Each of such townships to maintain its own poor as other townships in England and Wales, and overseers to be appointed.

East Dean township shall be added to the Westbury-upon-Severn union, and West Dean to the Monmouth union; guardians may be appointed for such townships, and the poor law commissioners to determine the proportions in which they shall contribute to the common fund of the unions.

Paid officers may be appointed to make and levy the rates.

and declare the duties and the qualifications, and regulate from time to time the salaries or remuneration, of such officers, and their continuance in office, and the manner and proportion in which such salaries shall be paid from the poor rates of the township for which the said officers shall respectively be appointed to act.

As soon as a rate has been made, and half thereof collected, overseers to certify collection to the poor law commissioners, and thenceforth be liable to the orders of the boards of guardians.

V. As soon as a rate for the relief of the poor for such townships respectively has been made, and not less than one half of such rate in amount shall have been collected, the overseers of the said townships respectively shall and they are hereby required immediately thereafter to certify under their hands the fact of such collection to the poor law commissioners, and such overseers shall thenceforth be liable to observe and obey all rules and orders lawfully made or to be made on them by the board of guardians of the union to which such townships may respectively belong; and no person resident in or belonging to either of the said townships shall have any right to relief from either of the said townships until the overseers of the poor of such townships respectively shall have certified to the poor law commissioners that a rate has been made, and that not less than one half of such rate in amount has been collected; and the said poor law commissioners shall thereupon order and declare the day from which such relief shall commence.

The Hudnolls, Bearnse, Fence, and Mawkins Hazells to be divided into two districts, and annexed by the poor law commissioners to the parishes of Saint Briavel's and Hewelsfield.

VI. It shall be lawful for the poor law commissioners, and they are hereby authorized and required, to divide four other extra-parochial places situate in the said hundred of St. Briavel's, called respectively the Hudnolls, the Bearnse, the Fence, and Mawkins Hazells, into two portions or districts, each or either of such portions or districts, containing respectively one or more or a part of one or more, of the said four last-mentioned extra-parochial places, and being of such extent respectively and bounded in such manner as the said poor law commissioners shall think fit; and the said commissioners shall by order under their hands and seal, assign one of such districts to the parish of St. Briavel's, and the other of such districts or portions to the parish of Hewelsfield in the said hundred and county; and each such district or portion shall, from and after the time of such order coming into force, be and be deemed to be, for all the purposes of the relief and maintenance of the poor, and the execution of the laws in force relating to the relief and maintenance of the poor, and of the expenditure and application of the poor's rates, and of the duties and powers of overseers of the poor, an integral part of the parish to which it may have been assigned, and shall become a portion of the union to which each such parish does or may belong; and the said poor law commissioners may make such alterations in the number of guardians and the declared averages of any parish or parishes constituting the union or unions in which the parishes of St. Briavel's and Hewelsfield, or either of them, may be included, as to the said commissioners may seem fit, on account of the addition or

annexation of such assigned districts or portions to such parishes respectively.

VII. From and after the passing of this Act, and thenceforth for ever, a certain extra-parochial place called Mailscoth, and a certain other extra-parochial place adjoining or near thereto, situate near New Weir in the said hundred and county, bounded on the south and east by Mailscoth Wood, on the north by the parish of Goodrich, and on the west by the river Wye, shall be and be deemed to be, for all the purposes of the relief and maintenance of the poor, and the execution of the laws in force relating to the relief and maintenance of the poor, and of the expenditure and application of the poor rates, and of the duties and powers of overseers of the poor, an integral part of the parish of English Bicknor, in the said county; and two other extra-parochial places called respectively Walmore and Northwoods Green, in the said county, shall be and be deemed to be, for all the purposes of the relief and maintenance of the poor, and the execution of the laws in force relating to the relief and maintenance of the poor, and of the expenditure and application of poor rates, and of the duties and powers of overseers of the poor, an integral part of the parish of Westbury-upon-Severn in the said county; and the said extra-parochial place called Mailscoth, and the said other extra-parochial place adjoining or near thereto, and hereinbefore mentioned, shall, from and after the passing of this Act, become a portion of the union to which the said parish of English Bicknor does or may belong; and the said extra-parochial places called respectively Walmore and Northwoods Green, shall, from and after the passing of this Act, become a portion of the union to which the said parish of Westbury-upon-Severn does or may belong; and the poor law commissioners may make such alterations in the number of guardians or in the declared averages of any parish or parishes constituting the union or unions in which the said parishes of Westbury-upon-Severn and English Bicknor, or either of them, may be included, as to them may seem fit, on account of the addition or annexation of the said extra-parochial places to the said parishes of English Bicknor and Westbury-upon-Severn respectively.

Mailscoth and a place near the New Weir annexed to the parish of English Bicknor.

Walmore and Northwoods Green annexed to Westbury-upon-Severn.

VIII. Any order or regulation of the poor law commissioners authorized to be made or issued under or for the purposes of this Act shall be enforced in the same manner as any other orders or regulations of the said commissioners may now or hereafter be by law enforced, and shall be subject to the same or the like legal incidents as such orders are or may be by law subject to.

Orders of poor law commissioners under this Act may be enforced in like manner as other orders.

\* \* \* \* \*

X. Saving always to the Queen's most excellent Majesty, her heirs and successors, all such estate, right, title, interest, privilege, prerogative, and benefit (other than and except the rights and interests hereby expressly varied, barred, destroyed, or extinguished,) as she or they had or enjoyed in, to, out of, General saving of the Crown's rights.

or from the said several extra-parochial townships, districts, or places hereinbefore mentioned, and every part thereof respectively, before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been passed.

Public Act.

XI. This Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others.

\* \* \* \* \*

5 & 6 VICT. CHAP. 54.

AN ACT to amend the Acts for the Commutation of Tithes in England and Wales, and to continue the Officers appointed under the said Acts for a Time to be limited.

[30th July, 1842.]

\* \* \* \* \*

Power in certain cases to use tithe commutation maps for parochial purposes.

XIII. It shall be lawful for any board of guardians of any parish or union, with the consent of the poor law commissioners, and subject to such conditions as the said poor law commissioners may prescribe, to pay out of the rates of any parish any portion of the cost of making or providing any map or plan which shall have been confirmed under the hands and seal of the tithe commissioners, or any other sum of money by way of consideration for the use of the said map or plan, for the purpose of estimating the net annual value of property in respect of which rates may be assessed for the relief of the poor; and after the tithe commissioners shall have certified in writing that such money has been paid, the overseers of the parish, or any person authorized by them in writing, or any officer of the said board of guardians, or any person authorized by them in writing, shall at all reasonable times have access to the copy of the said map or plan deposited with the incumbent and church or chapel wardens of the parish, or other persons approved by the said tithe commissioners, and may inspect and make copies or extracts from the said copy, without paying anything for such access or inspection, or for making such copies or extracts (a).

\* \* \* \* \*

(a) See 6 & 7 Will. 4, c. 96, s. 3.

## 5 &amp; 6 VICT. CHAP. 57.

AN ACT to continue until the Thirty-first day of July, One thousand eight hundred and forty-seven, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England (*b*). [30th July, 1842.]

\* \* \* \* \*

II. \* \* \* Provided always that if any person be charged with any misconduct in any matter relating to the administration of the laws for the relief of the poor, and if any such special inquiry as aforesaid (*c*) be directed to be made into such charge, the person bringing such charge shall be entitled to make the same at such inquiry by his counsel or attorney, and the person charged with such misconduct shall be entitled to make his defence at such inquiry by his counsel or attorney: but nothing herein contained shall release any person charged with any misconduct, or bringing any charge of misconduct, from the liability to be himself examined at any such inquiry in respect of the matter of such charge, in the same manner and subject to the same penalties as under the said firstly-recited Act (*c*).

In special inquiries on charges of misconduct, the persons may be heard by counsel.

III. Whenever any general rule of the said commissioners shall be in force, it shall not be lawful for the said commissioners to issue any particular rule, order, or regulation, addressed to any single parish or union, by which such general rule or any part thereof would be rescinded or suspended, unless one of Her Majesty's principal secretaries of state have first signified to the said commissioners his approval of such particular rule in writing (*d*).

General rules not to be altered by particular rules, without the consent of secretary of state.

IV. Every order of the said commissioners suspending or dismissing any paid officer from the exercise of his office, in which the said commissioners shall declare that the urgency of the case requires that such order should take effect within the period of fourteen days, shall come into force at such time as the said commissioners shall in such order direct, notwithstanding that fourteen days shall not have expired since a written or printed copy of the same shall have been sent by the said commissioners, as required by the first-recited Act (*e*).

Time of operation of certain rules and orders in cases of urgency.

V. It shall be lawful for the guardians of any parish or union, subject always to the powers of the poor law commissioners, to prescribe a task of work to be done by any person relieved in any workhouse, in return for the food and lodging afforded to such person; but it shall not be lawful to detain any person against

Guardians, &c. may set occasional poor to work.

(*b*) See 4 & 5 Will. 4, c. 76, ss. 1, 16, 17, 18; 12 & 13 Vict. c. 103, 7, 9, 10; and 30 & 31 Vict. c. 106, ss. 12, 13.

(*c*) See 10 & 11 Vict. c. 109, s. 22. 10 & 11 Vict. c. 109, s. 14; 12 & 13

(*d*) See 4 & 5 Will. 4, c. 76, ss. 15, 16; 10 & 11 Vict. c. 109, ss. 14, 15, Vict. c. 103, s. 12.

s. 30.

(*e*) See 4 & 5 Will. 4, c. 76, s. 20;

Penalty for not  
doing work.

5 Geo. IV.  
c. 83, s. 3.

Guardians to  
have the like  
powers as  
overseers with  
regard to  
lunatics.

9 Geo. IV.  
c. 40.

his will for the performance of such task of work for any time exceeding four hours from the hour of breakfast in the morning succeeding the admission of such person into the workhouse; and if any such person, while in such workhouse, refuse or neglect to perform such task of work suited to his age, strength, and capacity (*a*), or wilfully destroy or injure his own clothes, or damage any of the property of the board of guardians (*b*), he shall be deemed an idle and disorderly person within the meaning of an Act passed in the fifth year of the reign of King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of Great Britain called England" (*c*).

VI. Every board of guardians appointed under the provisions of the said first-recited Act (*d*), or acting under the regulations of the said commissioners for the relief of the poor, and the relieving officers of such guardians, shall have the like powers as overseers have with respect to insane persons under the provisions of an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics in England" (*e*), or of any Act or Acts passed to amend the same (*f*); and every such board of guardians shall from time to time pay or cause to be duly paid to the treasurer, managers, or keepers of any county lunatic asylum, public hospital, or licensed house respectively, all costs lawfully due in respect of any poor person maintained in such county lunatic asylum, public hospital, or licensed house; and if such costs shall not be duly paid by such board of guardians or overseers of the parish to which such poor person may have been chargeable according to the provisions of the said recited Acts, then and in such case it shall be lawful for any two justices to proceed to the recovery of the said costs, by making and enforcing an order for the same on the overseers of the aforesaid parish, according to the provisions of the said recited Acts; and it shall be lawful for any such board of guardians to contract with any person duly licensed to practise as a medical man to certify as to the state and condition of insane persons under the provisions of the last-recited Act; and whenever any insane person is relieved by any such board of guardians or any of their officers, the relieving officer within whose district the parish is situate to which such person may be chargeable, or in which such person may be found destitute, shall give the like information to some justice of the peace acting for the division of the county within which such parish is situated as is required by the said

(*a*) See 43 Eliz. c. 2, s. 2; 55 Geo. 3, c. 137, s. 5.

(*b*) See 50 Geo. 3, c. 50, s. 4.

(*c*) See 29 & 30 Vict. c. 113, s. 15; and 34 & 35 Vict. c. 108, ss. 5, 6, 11.

(*d*) 4 & 5 Will. 4, c. 76.

(*e*) The 9 Geo. 4, c. 40, was repealed by 8 & 9 Vict. c. 126, s. 1; which latter was repealed by 16 & 17 Vict. c. 97, s. 1.

(*f*) See 7 & 8 Vict. c. 101, s. 28; 16 & 17 Vict. c. 97.

Act of the reign of King George the Fourth of overseers, and subject to the like penalties for neglect; \* \* \*

VII. Whenever the whole of any parish or parishes is situated at a greater distance than four miles from the place of meeting of the board of guardians of the union of which such parish or parishes may form part, it shall be lawful for the commissioners, on the application of the board of guardians, to form such parish or parishes into a district, and to direct the said guardians from time to time to appoint a committee of their members to receive applications of poor persons requiring relief in such district, to examine into the cases of such poor persons, and to report to the said guardians thereon (g). Where parish more than four miles from place of meeting of guardians it may be formed into a district for purposes of relief.

VIII. In case any question shall arise as to the right of any person to act as an elective guardian, it shall be lawful for the commissioners, if they shall see fit, to inquire into the circumstances of the case, and to issue such order or orders therein, under their hands and seal, as they may deem requisite for determining the question; and no such order shall be liable to be removed by writ of *certiorari* into the Court of Queen's Bench unless the application for such writ shall be made during the term next after the issuing of such order (h). Determination of disputes as to election, &c. of guardians.

IX. If any person put in nomination for the office of guardian tender to the officer conducting the election of guardians his refusal in writing to serve such office, the election of guardians, so far as regards such person, shall be no further proceeded with. Resignation of candidates.

(g) See 4 & 5 Will. 4, c. 76, s. 46. Vict. c. 82, s. 2; 12 & 13 Vict. c. 103,

(h) See 4 & 5 Will. 4, c. 76, s. 105; s. 15; and 30 & 31 Vict. c. 106, 10 & 11 Vict. c. 109, s. 25; 11 & 12 s. 12.

#### JURISDICTION TO INQUIRE INTO VALIDITY OF ELECTION.

The 26th day of March, in a particular year, fell on a Sunday, and on that day a paper, nominating M. as guardian, was delivered to the clerk of the union, and he, considering it a nullity, rejected it, and made his return of guardians elected. On appeal to the poor law board, under 5 & 6 Vict. c. 57, s. 8, the clerk's return was declared by them to be invalid. *Certiorari* to bring up their order having been moved for, it was held: (1.) That the legality of it might, on motion for the *certiorari*, be inquired into as to matters shown by affidavit, though not apparent on the face of the order; (2.) That the order was right, the nomination of M. being valid: *Re Westbury-on-Severn Union*, 4 E. & B. 314; 18 J. P. 758; S. C. *Reg. v. Poor Law Commissioners*, 1 Jur. (N. S.) 251. Decisions on sect. 8.

The 5 & 6 Vict. c. 57, s. 8, only empowers the poor law board to issue such orders as may be necessary for determining the question. Where the board, by an order, inhibited other guardians than those whose election was called in question from acting, *per* Lord Campbell, C. J., "There seems to have been an excess of jurisdiction;" and the court granted a rule *nisi* for a *certiorari* to bring up the order, which order the poor law board then rescinded: *Reg. v. Poor Law Board*, 22 J. P. 85.

#### QUO WARRANTO.

*Quo warranto* will lie for the office of guardian of the poor, notwithstanding 5 & 6 Vict. c. 57, s. 8: *Reg. v. Hampton*, 13 L. T. (N. S.) 431; 6 B. & S. 923; 12 Jur. (N. S.) 583.

Continuance  
of guardians  
in office.

X. In every case in which no person shall be elected for the office of guardian in any parish at any annual election of guardians, the persons elected for the previous year may continue to act as guardians until the next annual election.

Commis-  
sioners may  
accept resig-  
nation of any  
guardian, and  
may order new  
election.

XI. The said commissioners may accept the resignation of any person elected as a guardian tendered for any cause which the commissioners may deem reasonable; and in every case of omission to elect, or of vacancy in any board of guardians, by death, resignation, or disqualification, the said commissioners shall be and shall be deemed to have been empowered to order a new election for the completion of such board (a).

In case of  
vacancy, re-  
maining guar-  
dians to act.

XII. In case the full number of guardians shall not be or shall not have been elected at any election of guardians, or in case of any vacancy in any board of guardians by the death, removal, resignation, refusal, or disqualification to act of any elected guardian, the other or remaining members of the said board, being not less than three, shall be and be deemed to have been competent to act until the next election, or until the completion of the said board, as if the number of such board were complete, and that no acts or proceedings shall be liable to be questioned on account of any failure to elect any guardian or guardians, or on account of any vacancy as aforesaid (a).

*De facto*  
guardians.

XIII. No defect in the qualification or election of any person acting as a guardian at a board of guardians, the majority of persons assembled at which shall be entitled to act as guardians, shall be deemed to vitiate or make void any proceedings of such board in which he may have taken part (b).

Paid officers  
and others  
incapable of  
serving as  
guardians.

XIV. No person during the time for which he may serve or hold the office of assistant overseer of any parish, nor any paid officer engaged in the administration of the laws for relief of the poor (c), nor any person who, having been a paid officer shall have been dismissed within five years previously from such office, under the provisions of the said first-recited Act, shall be capable of serving as a guardian; and no person receiving any fixed salary or emolument from the poor rates in any parish or union shall be capable of serving as a guardian in such parish or union.

*Ex officio*  
guardians not  
incompetent  
to act as  
justices.

XV. "And whereas doubts have been entertained whether justices of the peace who are *ex officio* members of boards of guardians of parishes or unions under the provisions of the first-recited Act can lawfully act as justices of the peace in cases in which the guardians of such parishes or unions are complainants, or are otherwise interested or concerned, and it is expedient that such doubts should be removed:" Be it therefore enacted, that no justice of the peace shall be disabled from acting as such justice at any petty or special or general

(a) See 11 & 12 Vict. c. 82, s. 2. 12 & 13 Vict. c. 13, s. 5; 13 & 14

(b) See 10 & 11 Vict. c. 109, s. 25. Vict. c. 57, s. 6.

(c) See 4 & 5 Will. 4, c. 76, s. 48;

quarter sessions in any matter, merely on the ground that such justice of the peace is an *ex-officio* member of any board of guardians complaining, interested, or concerned in such matter, or has acted as such at any meeting of such board of guardians (d).

XVI. It shall be lawful for every board of guardians constituted under the said first-recited Act to accept, take, and hold on behalf of the union or parish respectively for which they may act, any lands, buildings, goods, effects, or other property as a corporation, and in all cases to sue and be sued in their corporate name (e). Corporate powers of guardians and district boards.

XVII. Wherever a board of guardians is empowered to make any order, or to prefer any complaint, claim, or application, before justices or otherwise, if any such board resolve to make such order, or to prefer such complaint, claim or application, a copy of the minute of such resolution, signed by the presiding chairman of such board, and sealed with their seal, and countersigned by their clerk or person acting as their clerk, shall be deemed and taken to be sufficient proof of the making of such order, or of the preferring of such complaint, claim, application, or otherwise, as the case may be; and whenever, either for the purpose of making an order for the removal of a pauper, or on the trial of an appeal against such order, or for any other purpose, it shall be necessary to prove to what parish a pauper has become chargeable (if in such parish the laws for the relief of the poor shall be administered by a board of guardians or a district board), a certificate of such pauper having so become chargeable, signed, sealed, and countersigned as aforesaid, shall be sufficient proof to what parish and at what time such pauper became and was chargeable, unless the contrary shall be proved by other legal evidence; and in all cases in which the guardians of any parish or union are or may hereafter be empowered to make any application or complaint, or to take any proceedings before any justices at petty or special or general or quarter sessions, it shall be lawful for any officer of such guardians, empowered by any board of such guardians, by an order in writing, under the hand of the presiding chairman of such board, and sealed with the common seal of such guardians, to make such application or complaint, or to take such proceedings on behalf of such guardians, as effectually to all intents and purposes as if the same were made or taken by such guardians, or any of them, in person (f). Mode of application to justices, &c. by boards of guardians.  
  
Guardians may authorize their officers to take legal proceedings.

(d) See 16 Geo. 2, c. 18. 7 & 8 Vict. c. 101, s. 68; and 23 & 24

(e) See 5 & 6 Will. 4, c. 69, s. 7. Vict. c. 127, s. 33.

(f) See 6 & 7 Vict. c. 73, s. 2;

#### SIGNATURE OF CERTIFICATE OF CHARGEABILITY.

A certificate of chargeability under 5 & 6 Vict. c. 57, s. 17, must be signed by the presiding chairman of the board of guardians, and sealed with their seal, and countersigned by their clerk or person acting as their clerk. If it be not, it will be a good ground of appeal: *Reg. v. Farthinghoe* 1 N. S. C. 238. Decision on sect. 17.

Construction. XVIII. The said Act of the fifth year of the reign of His  
4 & 5 Will. IV. late Majesty, and the Act passed in the sixth year of the reign  
c. 76. of His said Majesty, intituled "An Act to facilitate the Con-  
5 & 6 Will. IV. veyance of Workhouses and other Property of Parishes and of  
c. 69. Incorporations of Parishes in England and Wales," and the Act  
passed in the seventh year of the reign of His said Majesty,  
6 & 7 Will. IV. intituled "An Act to regulate Parochial Assessments," and so  
c. 96. much of an Act passed in the second year of the reign of Her  
1 & 2 Vict. present Majesty, intituled "An Act for the more effectual Relief  
c. 56, ss. 118, of the destitute Poor in Ireland," as relates to the style of the poor  
122. law commissioners, their appointment, the delegation of powers  
to one of their number, the sittings of their board, their com-  
1 & 2 Vict. mon seal, and the residence of one of their number in Ireland, and  
c. 25, s. 2. all Acts to amend or extend any of the said Acts, or the said  
7 Will. IV. & provisions of the Act last-recited, and the present Act, shall  
1 Vict. c. 50. (except so far as the provisions of any former Act shall be  
2 & 3 Vict. expressly altered or amended by the provisions of any subse-  
c. 84. quent Act) be construed as one Act; and that in each and every  
such Act (except the said Act for the more effectual relief  
of the destitute poor in Ireland) the words "auditor," "guard-  
ian," "justice or justices of the peace," "oath," "officer,"  
"overseer," "owner," "rack-rent," "parish," "person,"  
"poor," "poor laws," "laws for relief of the poor," "poor rate,"  
"general quarter sessions," "union," "united workhouse,"  
"vestry," "workhouse," and words importing the singular  
number or the masculine gender only, shall be interpreted as  
is provided in the first-recited Act; and that the provisions of  
the said first-recited Act shall extend to every rule, order, or  
regulation directed or authorized to be made by the said com-  
missioners, under the provisions of an Act passed in the seventh  
6 & 7 Will. IV. year of His said late Majesty, intituled "An Act for regis-  
c. 86, s. 10. tering Births, Deaths and Marriages in England"(a). \* \* \*

\*                      \*                      \*                      \*                      \*

## 5 & 6 VICT. CHAP. 97.

AN ACT to amend the Law relating to Double Costs, Notices of  
Action, Limitations of Actions, and Pleas of the General  
Issue, under certain Acts of Parliament.

[10th August, 1842.]

\*                      \*                      \*                      \*                      \*

Repealing                      II. So much of any clause, enactment, or provision in any  
provision in                      public Act or Acts, not local or personal, whereby it is enacted  
public Acts                      or provided that either double or treble costs, or any other than

(a) See 4 & 5 Will. 4, c. 76, s. 109; s. 21; 13 Vict. c. 21, s. 4; 29 & 30  
5 & 6 Will. 4, c. 69, s. 9; 7 & 8 Vict. Vict. c. 113, s. 18; 30 Vict. c. 6,  
c. 101, s. 74; 12 & 13 Vict. c. 103, s. 2.

the usual costs between party and party, shall or may be recovered, shall be and the same are hereby repealed: Provided always, that instead of such costs the party or parties heretofore entitled under such last-mentioned Acts to such double, treble, or other costs shall receive such full and reasonable indemnity as to all costs, charges, and expences incurred in and about any action, suit, or other legal proceeding, as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer (b).

giving double  
and treble  
costs.

\* \* \* \* \*

### 5 & 6 VICT. CHAP. 98.

AN ACT to amend the Laws concerning Prisons.

[10th August, 1842.]

\* \* \* \* \*

VI. Every gaol rate made for the purpose of repaying any money advanced by any person or body corporate for any of the purposes aforesaid shall be made, levied, and raised in like manner as the borough rate may be made, levied, and raised; and all powers and authorities now vested in the council, or in overseers of the poor, or persons appointed by the council to act as such overseers, relating to the making, levying, and collecting the borough rate, shall be in full force and effect in relation to the making, levying, and collecting any such gaol rate.

Gaol rate to  
be made and  
raised in the  
same manner  
as borough  
rate.

VII. In every case in which any parish, township, precinct, or place liable to support its own poor, shall be partly within and partly without any such borough, the overseers or other persons charged with the collection of the rates made for the relief of the poor in such parish, township, precinct, or place, upon the receipt of any warrant from the mayor, or any justice or justices of the peace, high constable, or other officer duly authorized to act in that behalf within the borough, for the payment of money for the purposes of this Act (which warrants every such mayor, justice of the peace, high constable, and other officer shall be severally empowered to direct to them, in like manner as if the whole of such parish, township, precinct, or place were within their borough), shall assess upon and levy from the inhabitants and occupiers of all messuages, lands, tenements and hereditaments liable to the poor rates in that part of their parish, township, precinct, or place which is within the borough, the amount mentioned in the warrant, either as a separate rate or rates, for which the said overseers shall have all the powers which belong to them for levying a rate for the

Parishes, &c.  
partly within  
the borough.

(b) See 43 Eliz. c. 2, s. 18.

relief of the poor, or with and as part of the poor rate, and in addition to the poor rate to which the inhabitants and occupiers of property within that part of the parish, township, precinct, or place may be liable, in common with the inhabitants and occupiers of property within the other part thereof which is not within the borough, and out of the monies so levied and collected, or out of any monies in their hands collected for the relief of the poor, shall pay the amount mentioned in the warrant, and in default thereof shall be subject to all the provisions and penalties provided by any Act concerning the non-payment of any borough rate.

\* \* \* \* \*

### 5 & 6 VICT. CHAP. 99.

AN ACT to prohibit the Employment of Women and Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other Provisions relating to Persons working therein.  
[10th August, 1842.]

\* \* \* \* \*

No person to be apprenticed under 10 years of age, nor for longer than 8 years.

IV. From and after the passing of this Act, no person or persons shall take any apprentice who shall be bound to work, or be liable to be called on to work, or be otherwise occupied, within a mine or colliery, who shall be under the age of ten years, or for a longer term of apprenticeship than eight years, except as the apprentice of a mason, joiner, engine wright, or other mechanic whose services may be required occasionally below as well as above ground; and every indenture of apprenticeship whereby any person shall be hereafter bound contrary to the provisions of this Act shall be void; and when any person who is now serving under articles of apprenticeship within any mine or colliery shall attain the age of eighteen years, he shall be discharged from such apprenticeship, and the articles of apprenticeship shall become absolutely null and void.

Indentures contrary to Act void; those in force void when apprentice attains 18 years.

Penalties for offences against this Act.

V. Every person or persons, body or company, offending against any of the aforesaid provisions, shall forfeit a sum not more than ten pounds nor less than five pounds, for every person employed or suffered to be in a mine or colliery contrary to the aforesaid provisions, to be sued for and recovered as after mentioned.

Penalty on parents or guardians misrepresenting ages of persons employed.

VI. Provided always, that if it shall appear on inquiry before any justices under the provisions of this Act, that any person under the age hereinbefore specified has been employed in any colliery, on the representation of the parent or natural guardian of such person that he was above the age so hereinbefore specified, and if it shall appear to such justices that such person was so employed under the *bonâ fide* impression and

belief on the part of the employer that he was not under the age so specified, it shall be lawful for such justices, if they see fit, to remit the said penalty as against the party employing such person, and to summon the parent or natural guardian of the person employed to appear before them on a day to be named for the purpose, and on conviction of such parent or guardian of having wilfully misrepresented the age of the person employed, such parent or guardian shall forfeit a sum not exceeding forty shillings.

VII. Nothing hereinbefore contained shall prevent any person whatever from being employed in or about any mine or colliery, so as such employment shall be carried on above ground. Not to affect persons employed above ground.

\* \* \* \* \*

### 5 & 6 VICT. CHAP. 109.

AN ACT for the Appointment and Payment of Parish Constables.  
[12th August, 1842.]

“WHEREAS it will increase the security of persons and property if further provision be made for the appointment of fit persons to act as constables in the several parishes of England, and if power be given to pay them for the performance of their duties;” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the expiration of eighty days, and before the expiration of one hundred days next after the passing of this Act, and on some day after the twenty-fourth day of March, and before the ninth day of April in each following year, the justices of the peace of every county in England shall hold a special petty session of the peace in their several divisions for the appointment of parochial constables, of which session due notice shall be given to every justice usually acting in that division. Justices to hold special sessions for appointing constables.

II. The justices shall, within thirty days next after the passing of this Act, and within the first seven days of February in each following year, issue a precept, under the hands of any two of them, to the overseers of each parish within the division, requiring them to make out and return, within eighty days next after the passing of this Act, and before the twenty-fourth day of March in each following year, a list in writing of a competent number of men within their respective parishes qualified and liable to serve as constables, and also to perform all other requisitions in the said precepts contained; and with the said precept shall be given notice to the said overseers of Justices to issue precepts to overseers, requiring lists of men qualified to serve as constables.

the time and place where such special session of the peace as aforesaid will be holden.

Overseers to make out lists of persons qualified to serve.

III. The overseers of every parish, upon the receipt of such precept, shall summon a meeting of the inhabitants in vestry to be holden within fourteen days after the receipt of the said precept; and the vestry at such meeting shall make out a list in writing of such number as shall be named in the precept of men residing within their parish who shall be qualified and liable to serve as constables (*a*), with the Christian name and surname, and with the true place of abode, the title, quality, calling, or business of each, written at full length (*b*): Provided also, that it shall be lawful for the vestry to annex to the said return the names of any number of men willing to serve the office of constable, and whom the vestry will recommend to be appointed, although not having the qualification hereinafter mentioned.

Small parishes and extra-parochial places may be annexed to any adjoining parish.

IV. It shall be lawful for the justices at a special petty session of the peace to be holden for that purpose, at any convenient time before the issuing of such precept as aforesaid (of which last-mentioned session due notice shall be given to every justice usually acting within the division), to make an order for uniting any parish or parishes, whenever they shall think it expedient, to any parish adjoining thereto, or for the annexing of any extra-parochial places (*c*) to any parish adjoining thereto for the purposes of the Act; and a copy of such order shall be served on the overseers of every parish so united, and also on the overseers of such adjoining parish and every such extra-parochial place so annexed, with the precept hereinbefore mentioned; and every such parish or extra-parochial place so united to any adjoining parish shall thenceforward be deemed, for all the purposes of this Act, to be a part of such adjoining parish; and the inhabitants thereof shall be entitled to attend and vote at any meeting in vestry for the purposes of this Act of the inhabitants of the parish to which such parish is united, as fully as if they were inhabitants of the parish where such meeting is holden.

Who qualified to be constables.

V. Every able-bodied man resident within the said parish, between the ages of twenty-five years and fifty-five years, rated

(*a*) See 13 & 14 Vict. c. 101, s. 6.      (*b*) See 13 & 14 Vict. c. 57, s. 7.  
(*c*) See 20 Vict. c. 19, s. 1.

Decision on sect. 2.

#### JUSTICES' PRECEPT.

Under 5 & 6 Vict. c. 109, the justices have a discretion to issue their precept to the overseers of parishes to summon a vestry meeting to make out a list of persons qualified and liable to act as parish constables; and when they have done so, and their precept has not been obeyed, a *mandamus* may be obtained to enforce it: *Reg. v. North Bierley*, 31 L. T. 179; E. B. & E. 519; 23 J. P. 133; 4 Jur. (N. S.) 784; 27 L. J. M. C. 275.

#### SUBSTITUTE FOR CONSTABLE.

Decision on sect. 3.

The substitute need not be on the list made out by the vestry; *Reg. v. Booth*, 18 L. J. (N. S.) M. C. 25; 13 Jur. 6.

to the relief of the poor, or to the county rate, on any tenements of the net yearly value of four pounds or upwards, except such persons as shall be exempt or disqualified as hereinafter mentioned shall be qualified and liable to serve as constable of that parish.

VI. All peers ; all members returned to serve in the Commons House of Parliament ; all judges of Her Majesty's courts of record at Westminster ; all justices of the peace ; all deputy lieutenants ; all clergymen in holy orders ; all priests of the Roman Catholic faith who shall have duly taken and subscribed the oaths and declarations required by law ; all persons who shall teach or preach in any congregation of protestant dissenters, whose place of meeting is duly registered, and who shall follow no secular occupation, except that of a schoolmaster, producing a certificate of some justice of the peace of their having taken the oaths and subscribed the declaration required by law ; all schoolmasters ; all serjeants and barristers-at-law actually practising ; all members of the Society of Doctors of Law and advocates of the civil law actually practising ; all attorneys, solicitors, and proctors duly admitted in any court of law or equity, or of ecclesiastical or admiralty jurisdiction, in which attorneys, solicitors, and proctors have usually been admitted, actually practising, and having duly taken out their annual certificates ; all conveyancers and special pleaders below the bar ; all officers of any such courts actually exercising the duties of their respective offices ; all coroners, gaolers, and keepers of houses of correction ; all members and licentiates of the Royal College of Physicians in London, actually practising ; all surgeons being members of one of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, and actually practising ; all apothecaries having obtained a certificate to practise as an apothecary from the master, wardens, and Society of Apothecaries of the City of London, and actually practising ; all officers in Her Majesty's navy or army on full pay ; all persons enrolled and serving in any corps of yeomanry under officers having commissions from Her Majesty, or lieutenants of counties, or others specially authorized by Her Majesty for that purpose ; all pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations ; and all pilots licensed by the lord warden of the cinque ports, or under any Act of parliament or charter for the regulation of pilots in any other port ; all the household servants of Her Majesty ; all officers of customs and excise ; all sheriffs and sheriff's officers ; all high constables ; the clerks of all boards of guardians of the poor, established under the Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales ; the masters of all union workhouses ; all county or district constables ; all parish clerks ; all registrars and superintendent registrars of births,

Exemption  
from serving  
as constables.

deaths, and marriages; all churchwardens, overseers, and relieving officers, shall be freed and exempt from serving the office of constable under this Act.

Disqualifica-  
tion from  
serving as  
constables.

VII. All licensed victuallers and persons licensed to deal in any excisable liquors or to sell beer by retail, all gamekeepers, and all persons who have been attainted of any treason or felony, or convicted of any infamous crime, shall be disqualified from serving the office of constable under this Act.

Lists to be  
fixed on  
church doors,  
and also kept  
by overseers  
for inspec-  
tion.

VIII. The overseers of each parish shall make out true copies of the list so agreed to in vestry; and where any of the persons named in the said list shall have been chosen to serve, and shall have served the office of constable in the said parish, in person or by substitute, the overseers shall set against his name in the list the date of the year of such service, and shall on the three Sundays next before the day limited for making their return in this year, and on the first three Sundays in the month of March in each following year, fix a true copy of such list upon the principal door of every church, chapel, and other public place of religious worship within their parish, having first subjoined to every such copy a notice, stating that all objections to the list will be heard by the justices of the peace at a time and place to be mentioned in such notice, and having also signed their names at the foot of such copy, and shall likewise keep the original list, or a true copy thereof, to be perused by any of the inhabitants of their parish at any reasonable time during the three weeks next before the day limited for making their return in this year, and during the first three weeks of the month of March in each following year, without any fee or reward, and on or before the day limited for making their return shall sign and return the original list to the justices as required by the precept.

Penalty on  
overseers for  
neglecting  
returns or  
making false  
returns.

IX. Every overseer who shall neglect or refuse to sign and return such list, or to make out, sign, and publish such true copies as aforesaid, or who shall knowingly leave out the name of any person who ought to be included therein, or who shall knowingly make a false return of any particular which ought to be comprised therein, shall upon conviction thereof before two justices of the peace, forfeit and pay for every such offence a sum not more than five pounds.

Overseers to  
attend the  
special ses-  
sion.

X. The overseers of each parish shall attend the special session of the peace to be holden for the appointment of constables in their parish, and shall then and there verify the list so returned by them, and shall answer on oath such questions touching the same as shall be put to them, or any of them, by the justices then present; and if any man not qualified and liable to serve as constable as aforesaid is inserted in any such list, it shall be lawful for the said justices upon being satisfied by the oath of the party complaining, or upon other proof, or upon their own knowledge, that he is not qualified and liable to serve as constable, to strike his name out of such list, and also to strike thereout the names of men disabled by lunacy or

imbecility of mind, or by deafness, blindness, or other infirmity of body from serving as constable; and when every such list shall be duly corrected at such session, or at such adjournment thereof, it shall be allowed by the justices present, or two of them at such session, or such adjournment, who shall sign the same, with their allowance thereof.

\* \* \* \* \*

XIV. Within fourteen days after the appointment and swearing of such constables, the clerk to the justices shall send to every justice usually acting within the division, and also to the clerk of the peace, for the purpose of being laid before the next court of general or quarter sessions, a list containing the names of all constables so appointed, in the division and the parishes for which they have been appointed; and the overseers of the poor shall affix to the door of their respective parish churches a list of the names of the constables appointed in their respective parishes.

List of constables appointed in the division to be published; and parish lists to be affixed to the church doors.

\* \* \* \* \*

XVI. In case of the death or disqualification of any constable during his year of office, of which the overseers shall forthwith give notice to a justice of the peace usually acting for the division, or in case any person who shall have been chosen constable shall refuse or neglect as aforesaid to attend and be sworn, or to find a qualified substitute to be sworn in his stead, and shall have been fined for such refusal or neglect, the person who has last served, and shall not then be disqualified or exempt, shall be bound to act in his stead until another constable shall be appointed and sworn to act for the remainder of the year, which shall be done at the next petty session of the peace for the division, of which notice shall be given to all the justices usually acting for the division; and in case the constable making the vacancy was serving as substitute for some other person, the justices shall summon the person originally chosen to attend and be sworn, or to find another substitute duly qualified to serve for the remainder of the year; or if the person originally chosen shall be then disqualified, or shall have refused or neglected as aforesaid to attend and be sworn, or to find a substitute, or if the constable making the vacancy was serving after having been chosen, and not as a substitute, the justices at such session shall choose another qualified person, out of the allowed list then in force, to serve the office of constable during the remainder of the year, and shall proceed in all respects as in the original appointment of constables for that year, and the person so chosen shall be bound in like manner, and subject to the same penalty, to attend and be sworn, or to find a substitute to be sworn in his stead to serve for the remainder of the year; and if less than two hundred days shall have elapsed since the first appointment of constables for that year, but not otherwise, the service of the person appointed to act for the remainder of the year shall be reckoned to him as service for that year; and in the first year

Provision in case of vacancy.

after the passing of this Act, the justices at the time of first choosing constables shall also choose substitutes to serve in case of vacancies during the year of office until another appointment shall be made.

Fees and allowances.

XVII. The justices of the county in general or quarter session assembled shall from time to time, subject to the approval of one of Her Majesty's principal secretaries of state, settle tables of fees and allowances to the clerks to the justices for the performance of their duties under this Act, and to the constables for the service of summons and execution of warrants, and for the performance of such other occasional duties which may be required of the said constables, for which the said justices shall think that fees ought to be allowed (a); and whenever any duty for which any such fee or allowance shall have been settled, and for which the payment is not by law charged upon the county rates, shall have been performed by any clerk or by any constable appointed under this Act, the amount of the fee or allowance shall be paid by the overseers of the parish in respect of which such fee has become payable out of any monies in their hands collected for the relief of the poor, upon the order of the justices in petty session assembled for the division, and under such regulations as shall be made from time to time by the justices in general or quarter session assembled, subject to the approval of the secretary of state (b).

A vestry may resolve to have paid constables.

XVIII. It shall be lawful for the vestry assembled for the purpose of making such return as aforesaid to resolve that one or more paid constables shall be appointed for their parish; and if the vestry shall so resolve, a copy of the resolution, and of the amount of salary which the vestry shall resolve on paying to such constable or constables shall be sent by the overseers to the justices, with the return hereinbefore mentioned.

Justices to appoint paid constables.

XIX. The justices at the session of the peace holden for the appointment of constables, upon receiving from any parish a copy of any such resolution as aforesaid, if they shall be satis-

(a) See 13 & 14 Vict. c. 20, s. 2. 13 & 14 Vict. c. 20, s. 2; and 32 & 33

(b) See 11 & 12 Vict. c. 91, s. 6; Vict. c. 49, s. 4

#### ORDER OF JUSTICES ON OVERSEERS.

Decision on  
sect. 17.

An order was made by justices under 5 & 6 Vict. c. 109, and 13 Vict. c. 20, s. 2, on overseers of a parish to pay to the superintendent of police 4l. 5s. for fees due to him. It appeared that the fees were incurred by the constable to the justices' clerk for prosecution of vagrants and drunkards, and had not been actually paid by the constable. The order was held to be void; and it was also held that the proper course was to proceed under the stat. 19 Geo. 3, c. 19, s. 4, by passing the accounts in vestry: *Neithrop*, app., *Banbury JJ.*, resps., 28 J. P. 452; *S. C. Neithrop v. Whadcoat*, 9 L. T. (N. S.) 383.

#### CERTIORARI.

Decision on  
sect. 18.

*Certiorari* does not lie to bring up a resolution of vestry under 5 & 6 Vict. c. 109, s. 18: *Reg. v. York, W. R., JJ.*, 11 Jur. 713.

fied with the amount of salary agreed to be paid, shall appoint so many paid constables to act for that parish as shall be agreed to by the resolution, or if the same resolution shall have been agreed to by more parishes than one adjoining each other, may, if they shall think fit, appoint the same paid constables to act conjointly for all such last-mentioned parishes; and in every parish in which a paid constable shall be appointed under this Act, the justices, if they shall think fit, need not appoint any unpaid constable, or may appoint a smaller number of unpaid constables than they had otherwise resolved on appointing for that parish; and every paid constable shall hold his appointment until he shall resign or be dismissed for misconduct by the justices of the division in petty session assembled, or until the vestry shall rescind the resolution for his appointment at any meeting of vestry holden for making such return as aforesaid.

In parishes where paid constables are appointed none other need be.

Tenure of appointment.

XX. The amount of the salary to every such paid constable shall be paid by the overseers out of any monies in their hands collected for the relief of the poor.

Salary to be paid out of the poor rate.

\* \* \* \* \*

XXIV. All penalties herein made payable on conviction of any offender before two justices of the peace may be levied, in case of non-payment thereof, with the costs and charges attending such conviction, by distress and sale of the goods and chattels of the offender, by warrant under the hands and seals of any justice of the peace of the county, riding, or place wherein such conviction shall have taken place, with the reasonable costs of such distress and sale; and the overplus, if any, shall be returned to the party whose goods and chattels shall have been distrained.

Recovery of penalties.

XXV. All penalties levied under this Act shall be applied in aid of the poor rates of the parish in which the offence shall have been committed for which such penalties shall be levied.

Application of penalties.

XXVI. In this Act the word "county" shall be taken to extend to every riding or division of a county for which there is a separate court of general or quarter sessions of peace; and the word "parish" shall be taken to extend to every township or other district maintaining its own poor, and also to every extra-parochial place which shall not be annexed to an adjoining parish, for which places the justices in petty sessions assembled shall be empowered to appoint persons to act as overseers; and the word "overseers" shall be taken to extend to all persons charged with collecting rates for the relief of the poor in any parish, and in extra-parochial places not added to any adjoining parish, to the persons appointed by the justices as aforesaid.

Interpretation of Act.

\* \* \* \* \*

6 VICT. CHAP. 18.

AN ACT to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain proceedings in the Election of Members to serve in Parliament for England and Wales (a).

[31st May, 1843.]

\* \* \* \* \*

*Counties.*  
Clerk of the peace to have forms of precepts, &c. printed.

Clerk of the peace to issue his precepts, with forms of notices, &c. to overseers.

Overseers to give notice annually, requiring voters to send in their claims.

III. "And whereas, for the purpose of forming a register of all persons entitled to vote in the election of a knight or knights of the shire to serve in parliament, it is expedient that lists should annually be made out in manner hereinafter mentioned :"  
Be it therefore enacted, that the clerk of the peace for every county shall cause a sufficient number of forms of precepts, notices, and lists to be printed, according to the respective forms numbered (1, 2, 3, 6) in the Schedule (A.) and of the table numbered (1) in the Schedule (D.) to this Act annexed, and shall also, on or before the tenth day of June in every year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept, according to the form numbered (1) in the said Schedule (A.), together with a sufficient number of the said printed forms of notices and lists, and of the copies of such part of the register of voters then in force for such county as shall relate to such parish or township respectively, and of the said table, for the purposes hereinafter mentioned (b).

IV. The overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, publish a notice according to the form numbered (2) in the said Schedule (A.), having first signed the same, requiring all persons entitled to vote in the election of a knight or knights of the shire to serve in parliament in respect of any property situate wholly or in part within such parish or township who shall not be upon the register of voters then in force, and also all persons so entitled as aforesaid, who being upon such register shall not retain the same qualification or continue in the same place of abode as described in such register, and who are desirous to have their names inserted in the register about to be made, to give or send to the said overseers, on or before the twentieth day of July then next ensuing, a notice in writing, by them signed, of their claim to vote as aforesaid ; and every such person, and any person who being upon such register may be desirous to make a new claim, shall, on or before the said twentieth day of July, deliver or send to the said overseers a notice signed by him of his claim, according to the form of notice set forth in that behalf in the said form numbered (2) or to the like effect (c).

(a) See 28 Vict. c. 56; and 31 & 32 Vict. c. 58.  
(b) See 28 Vict. c. 36, s. 2.  
(c) See 30 & 31 Vict. c. 102, ss. 5, 6.

V. The overseers of the poor of every parish and township respectively shall on or before the last day of July in every year make out, according to the form numbered (3) in the said Schedule (A.), an alphabetical list of all persons who on or before the twentieth day of July then next preceding shall have claimed as aforesaid; and in every such list the Christian name and surname of every claimant, with the place of his abode the nature of his qualification, and the local or other description of the property, and the name of the occupying tenant thereof, shall be written as the same are stated in the claim; and the said overseers, if they shall have reasonable cause to believe that any person whose name shall appear in such list of claimants or in the copy of the register relating to their parish or township, and received by them from the clerk of the peace, is not entitled to have his name upon the register then next to be made, shall add the word "objected" before the name of every such person on the margin of such list of claimants or the said copy of register; and the said overseers shall also add the word "dead" before the name of any person in the said copy of the register whom they shall have reasonable cause to believe to be dead; and the overseers shall cause a sufficient number of copies of such list of claimants, and of the said copy of the register, with all such marginal additions as aforesaid, to be written or printed, and shall on or before the first day of August sign and publish the same; and the said overseers shall likewise keep a copy of such list of claimants, and of the said copy of the register with the marginal additions respectively as aforesaid, signed by them, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days after the same shall have been published, and shall deliver written or printed copies thereof, signed by them, to all persons applying for the same, on payment of a price for each copy, after the rate contained in the table numbered (1) in the Schedule (D.) to this Act annexed (a).

VI. The list of claimants (if any) so to be made out by the overseers of every parish or township, together with the said copy of the register, with the marginal additions respectively as aforesaid, for the time being, relating to the same parish or township, shall be deemed to be the list of voters of such parish or township for the county within which such parish or township may be situate, for the purposes hereinafter mentioned.

VII. In every year every person who shall be upon the register for the time being for any county may object to any other person upon any list of voters for such county, as not having been entitled, on the last day of July then next preceding, to have his name inserted in any list of voters for such county; and every person so objecting (save and except overseers objecting in the manner hereinbefore mentioned) shall on

*Counties.*

Overseers to prepare lists of claimants.

Overseers empowered to object to any name; to add the word "dead" against any name; to publish copies of list of claimants, and of the part of the register of voters relating to their own parish; and to keep copies of same for inspection and sale.

List of claimants in any parish, and part of register relating to that parish to be the list of voters.

Any person on the register may object to any other person named in the list as not entitled to be upon it. Notice

*Counties.*

of objection  
to be given to  
the overseers,  
and also to the  
party objected  
to.

or before the [twenty-fifth] (a) day of August in such year, give or cause to be given to the overseers of the poor of the parish or township to which the list of voters containing the name of the person so objected to may relate, a notice according to the form numbered (4) in the said Schedule (A.), or to the like effect; and the person so objecting shall also, on or before the said twenty-fifth day of August, give or cause to be given to the person so objected to, or leave or cause to be left at his place of abode, as described in such list, a notice, according to the form numbered (5) in the said Schedule (A.), or to the like effect; and every such notice of objection shall be signed by the party so objecting as aforesaid; and wherever the place of abode of the person objected to, as described in the said list, shall not be in the parish or township to which such list may relate, and the name of the occupying tenant of the whole or any part of the qualifying property, together with his place of abode, shall appear in such list, the person so objecting shall also on or before the same day, give to or leave, or cause to be given or left, at the place of abode of any such occupying tenant, a duplicate notice, signed as aforesaid.

List of persons  
objected to to  
be published.

VIII. The said overseers shall in every year include the names of all persons against whom notice of objection shall have been given to them as aforesaid in that year in a list, according to the form numbered (6) in the said Schedule (A.), and shall publish such list on or before the first day of September in such year, and shall also keep a copy of such list, to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days of the said month of September, and shall deliver a copy of such list to any person requiring the same on payment of a price for each copy after the rate contained in the table numbered (1) in the Schedule (D.) to this Act annexed.

Lists, &c. to  
be delivered to  
the clerk of  
the peace.

IX. On or before the [twenty-ninth day of August] (b) in every year the overseers of every parish or township shall deliver to the clerk of the peace of the county wherein the said parish or township is situate the said copy of the register, and the said list of claimants, with the marginal additions respectively as aforesaid, and also a copy of the list of persons objected to, respectively signed as aforesaid, and relating to their parish or township.

*Cities and  
Boroughs.*

Town clerk to  
have forms of  
precepts, &c.  
printed.

X. And for the purpose of preparing like lists, and forming a register of all persons entitled to vote in the election of a member or members to serve in parliament for any city or borough, be it enacted, that the town clerk of every such city or borough shall cause a sufficient number of forms of precepts, notices, and lists to be printed according to the forms numbered (1, 2, 3, 4, 8, 12) in the Schedule (B.) and of the table numbered (1) in the Schedule (D.) to this Act annexed, and shall on or before the

(a) See 28 Vict. c. 36, s. 4.

(b) See 28 Vict. c. 36, s. 5.

tenth day of June in every year make and cause to be delivered to the overseers of the poor of every parish or township situate wholly or in part within such city or borough, or within any place sharing in the election of such city or borough, his precept according to the form numbered (1) in the said Schedule (B.), and also a sufficient number of the said printed forms of notices and lists, and of the said table.

*Cities and  
Boroughs.*

To issue his  
precept to the  
overseers.

XI. The overseers of every such parish or township shall, on or before the twentieth day of June in every year, publish a notice in writing according to the form numbered (2) in the said Schedule (B.), stating that no person will be entitled to have his name inserted in any list of voters for the city or borough then next to be made in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, unless he shall pay, on or before the twentieth day of July then next ensuing, all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises during the twelve calendar months next before the sixth day of April then last past.

Overseers to  
give public  
notice as to  
the payment  
of rates and  
taxes by occu-  
piers of pre-  
mises of the  
yearly value  
of 10*l*.

XII. The overseers of every parish or township, for their assistance in making out the list of voters as hereinafter mentioned (upon request made by them, or any of them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the month of July in every year, to any assessor or collector of taxes, or to any other officer having the custody of any tax assessment or duplicate for such parish or township), shall have free liberty to inspect any such tax assessment or duplicate, and to extract such particulars as may appear to such overseer or overseers to be necessary; and every such assessor or collector of taxes shall, within two days after the twentieth day of July in every year, make out and deliver to the said overseers a list containing the name and place of abode of every person who shall not have paid on or before the said twentieth day of July the assessed taxes which shall have become payable from him in respect of any premises within the said parish or township during the twelve calendar months next before the sixth day of April then last past; and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after the list of voters shall have been published, as hereinafter mentioned (c).

Overseers to  
have power of  
inspecting tax  
assessments,  
&c.

Assessors or  
collectors of  
taxes to deliver  
to overseers a  
list of persons  
in arrear of  
taxes payable  
at April last  
past.

XIII. The overseers of every such parish or township shall, on or before the last day of July in every year, make out or cause to be made out, according to the form numbered (3) in the Schedule (B.) to this Act annexed, an alphabetical list of all

Overseers to  
prepare and  
publish lists of  
persons (other

*Cities and  
Boroughs.*

than freemen)  
entitled to  
vote.

persons who may be entitled to vote in the election of a member or members to serve in parliament for such city or borough, in respect of the occupation of premises of the clear yearly value of not less than ten pounds, situate wholly or in part within such parish or township, and another alphabetical list, according to the form numbered (4) in the said Schedule (B.), of all other persons (except freemen) who may be entitled to vote in the election of such city or borough by virtue of any other right whatsoever, and in each of the said lists the Christian name and surname of every such person shall be written at full length, together with the place of his abode and the nature of his qualification, and where any person shall be entitled to vote in respect of any property, then the name of the street, lane, and the number of the house (if any) or other description of the place where such property may be situate, shall be specified in the list; and the said overseers shall sign such lists, and shall forthwith cause a sufficient number of copies of each of the said lists to be written or printed, and shall publish copies of the said lists on or before the first day of August in such year, and shall likewise keep a copy of each of the said lists, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after such lists shall have been so published, and shall deliver copies thereof to all persons applying for the same, on payment of a price for each copy after the rate contained in the table numbered (1) in the Schedule (D.) to this Act annexed.

\* \* \* \* \*

Persons  
omitted from  
the borough  
lists to give  
notice of their  
claims.

XV. Every person whose name shall have been omitted in any such list of voters for any city or borough so to be made out as aforesaid, and who shall claim, as having been entitled on the last day of July then next preceeding, to have his name inserted therein, and every person desirous of being registered for a different qualification than that for which his name appears in the said list, shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (6) in the said Schedule (B.), or to the like effect, to the overseers of that parish or township in the list whereof he shall claim to have his name inserted, or if he shall claim as a freeman of any city or borough, or place sharing in the election therewith, then he shall in like manner give or cause to be given to the town clerk of such city, borough, or place, a notice, according to the form numbered (7) in the said Schedule (B.), or to the like effect, and the overseers and town clerks respectively shall include the names of all persons so claiming as aforesaid in lists, according to the forms numbered (8) and (9) respectively in the said Schedule (B.) (a).

Lists of  
claimants to  
be made.

XVI. It shall be lawful for any person whose name shall be on any list of voters for the time being for any city or borough, or for any person who shall have claimed to have his name inserted in any such list, upon request made by such person, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, between the tenth day of August and the last day of August, to any overseer or other officer having the custody of any poor rate book, to inspect such poor rate book, and make extracts therefrom for any purpose relating to any claim or objection made or intended to be made by or against such person; and every such overseer or other officer as aforesaid is hereby required, upon such request as aforesaid, to permit such inspection, and the making of such extracts, without payment of any fee.

*Cities and Boroughs.*

Registered electors and claimants may inspect rate books.

XVII. Every person whose name shall have been inserted in any list of voters for any city or borough, may object to any other person as not having been entitled on the last day of July next preceding to have his name inserted in any list of voters for the same city or borough; and every person so objecting shall, on or before the twenty-fifth day of August in that year, give or cause to be given a notice, according to the form numbered (10) in the said Schedule (B.) or to the like effect, to the overseers who shall have made out the list in which the name of the person so objected to shall have been inserted, or if the person objected to shall have been inserted in the list of freemen of any city or borough, except the City of London, then to the town clerk of such city or borough; and every person so objecting shall also give or cause to be left at the place of abode of the person objected to, as stated in the said list, a notice according to the form numbered (11) in the said Schedule (B.); and every notice of objection shall be signed by the person objecting.

Persons named in the list may object to others as not being entitled to be in the list.

Notice of objection to be given to the overseers, or to the town clerk;

and also to the person objected to.

XVIII. The said overseers shall include the names of all persons so objected to in a list according to the form numbered (12) in the said Schedule (B.); and every town clerk shall include the names of all persons so objected to as freemen in a list, according to the form numbered (13) in the said Schedule (B.); and the said overseers and town clerks respectively shall sign each of the said lists, and cause copies thereof to be written or printed, and shall publish the said list of persons objected to, and the said list of claimants as aforesaid, on or before the first day of September in the said year; and shall keep copies of the said lists, and shall allow the same, and also the notices of objection which they shall have received, to be perused by any person without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, during the first fourteen days of September in the said year, and shall deliver copies of each of such lists to any person requiring the same, on payment of a price for each copy after the rate contained

List of persons objected to to be made.

Such lists, and the lists of claimants, to be published.

Copies of lists and notices of objection to be kept for inspection.

*Cities and boroughs.*

Overseers to deliver copies of lists to the town clerk.

in the table numbered (1) in the Schedule (D.) to this Act annexed (a).

XIX. The said overseers shall, on or before the twenty-ninth day of August in every year, deliver to the said town clerk a copy of the said list of voters, made out by them as aforesaid, and a copy of the said list of persons who shall have claimed as aforesaid, and a copy of the list of persons objected to as aforesaid.

\* \* \* \* \*

Provision as to places having no overseers.

XXII. Every precinct or place, whether extra-parochial or otherwise, which shall have no overseers of the poor (b), shall, for the purpose of making any claim, and making out any list directed by this Act, be deemed to be within the parish or township adjoining thereto, and sharing in the right of election to which such claim or list may relate; and if such parish or place shall adjoin two or more parishes or townships, situated as aforesaid, it shall be deemed to be within the least populous of such parishes or townships according to the last census for the time being.

*Counties, cities, and boroughs.*

What shall be publication of notice.

XXIII. Every notice, list, register, or other document herein required to be published, shall be so published, except where some other mode or place of publication is herein expressly provided, by being fixed in some public and conspicuous situation on the outside of the outer door or outer wall near the door of the buildings hereinafter named for that purpose; (that is to say,) in the case of publication by overseers, every church and public chapel in their parish or township, including places of public worship which do not belong to the Established Church, and in the case of publication by a town clerk, the town hall, or in either case, if there be no such building as is hereinbefore named for that purpose, then in some public and conspicuous situation within the parish or township, city, borough, or place respectively.

Time for which publication shall be.

XXIV. In all cases in which any notice, list, register, or other document shall, pursuant to the provisions aforesaid, be fixed on or near the door of any church, chapel, town hall, or other place, the same shall continue so fixed for a period including two consecutive Sundays at the least next after the day on or before which the same is hereinbefore required to be published; and in case the same shall be destroyed, mutilated, effaced, or removed before the expiration of such period, the party hereinbefore required to publish the same as aforesaid shall, as soon as conveniently may be, publish in like manner in its place another notice, list, register, or other document to the like purport and effect with the notice, list, register, paper, or document so destroyed, mutilated, effaced, or removed.

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Barristers to hold courts for

XXXII. The barrister appointed to revise the lists of any county shall make a circuit, and hold open courts for such

(a) See 30 & 31 Vict. c. 102, s. 30.

(b) See 20 Vict. c. 19, s. 1; and 31 & 32 Vict. c. 122, s. 27.

revision at each of the places which now are or hereafter may be appointed as polling places for such county, and at any other places within the said county which he shall think expedient, at convenient times between the fifteenth day of September inclusive and the last day of October inclusive in the then current year, and shall, ten days at the least before the holding of the first court of revision, give notice to the clerk of the peace of the several times and places at which the said courts will be holden, and of the several parishes the lists of and for which will be revised at each of the said courts; and the said clerk of the peace shall forthwith cause public notice thereof to be given by advertisement in one or more of the newspapers circulating within the said county, and shall cause a sufficient number of copies of the said notice to be written or printed, and shall deliver or send a copy thereof to the overseers of every parish or township, and require them to publish the said copy of the said notice, and to attend at the court therein appointed for the revision of the list of voters relating to their said parish or township, and the said overseers shall forthwith publish the said copy of the said notice accordingly (c).

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revising lists of voters for counties within a certain period, and to give notice of the times and places of holding such courts to clerk of the peace, who is to give notice thereof by advertisement, and to the overseers.

\* \* \* \* \*

XXXIV. The clerk of the peace of every county, at the opening of the first court to be so holden as aforesaid in and for the same county, shall deliver or cause to be delivered to the said barrister or barristers all the lists of voters for the then current year, with the marginal additions as aforesaid, and lists of persons objected to in the said year, relating to the said county, and also one or more printed copies of the register of voters then in force for the said county; and the overseers of every parish and township shall attend the court to be holden for revising the lists relating to their parish or township, and shall deliver to the barrister or barristers holding such court the original notices of claim and notices of objection given to them as aforesaid; and the said clerk of the peace and overseers shall (if required) answer upon oath all such questions as such barrister or barristers may put to them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter herein mentioned (d).

Clerk of the peace to attend the first court, and overseers to attend the courts for their respective districts and parishes, and produce lists of voters, and answer questions.

XXXV. The town clerk of every city or borough, and the several overseers for the time being of every parish or township therein, and in the city of London the secondaries and the clerks of the several livery companies of such city, shall attend the first court to be holden before every such barrister for every such city or borough, unless they shall have been respectively required by notice to attend at some other court, in which case they shall attend the said court as required; and the said overseers, town clerks, and secondaries respectively shall, at the opening of the said court, deliver to the said barrister the several lists so made by them respectively as aforesaid, and also the

Town clerks, overseers, and in London secondaries and clerks of companies, to attend the courts, to produce lists and answer questions, &c.

(c) See 28 Vict. c. 36, s. 12.

(d) See 31 & 32 Vict. c. 58, ss. 28, 29.

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Power of barrister to require attendance of overseer of past year, and assessor and collector, &c. of taxes, who shall answer upon oath all questions put to them.

County lists to be transmitted to clerk of the peace, and to be by him copied into a book.

original notices of claim and of objection received by them as aforesaid ; and the said overseers shall also produce at the said court all rates made for the relief of the poor of their respective parishes or townships, between the sixth day of April in the year then last past and the last day of July in the then present year ; and the said town clerks, overseers, secondaries, and clerks respectively shall answer upon oath all such questions as any such barrister may put to them or any of them, and produce all documents, papers, and writings in their possession, custody, or power touching any matter necessary for revising the list of voters ; and every such barrister shall have power to require any assessor, collector of taxes, or other officer having the custody of any tax assessment or duplicate, or any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, and in the city of London the chamberlain or his deputy, to attend before him at any court to be holden by him in pursuance of this Act, and they shall attend accordingly, and answer upon oath all such questions as such barrister may put to them (a).

\* \* \* \* \*

XLVII. The said lists of voters for each county, signed as aforesaid, shall be forthwith transmitted by the revising barrister to the clerk of the peace of the same county, and the clerk of the peace shall keep the said lists among the records of the sessions, and shall forthwith cause the said lists to be copied and printed in a book or books, arranged with the names in each parish or township in strict alphabetical order, according to the surnames, and with every polling district in alphabetical order, and with every parish or township within such polling district likewise in the same order, and shall, after the last list for each polling district, insert a list in like alphabetical order of all persons whose names shall not appear in any of the said lists for such polling district, but who shall in manner hereinbefore mentioned have been registered by the revising barrister to vote at the polling place of such last-mentioned district, and shall in the said book prefix to every name its proper number, beginning the numbers from the first name, and continuing them in a regular series down to the last name : Provided always, that a number as aforesaid shall be prefixed to the name of every person in every such list inserted after the last list for any polling district as aforesaid ; and no number, but an asterisk only, shall be prefixed to the name of the same person in the list of the parish or township in which his name originally appeared ; and every such book shall be printed and arranged in such manner and form that the list of voters of and for each and every separate parish or township contained therein may be conveniently and completely cut out or detached from all the other lists of voters contained in the same book, so that all the lists for every or any polling place,

or the list of every or any single parish or township, may be ready for the purposes of this Act or for sale; and the said clerk of the peace shall sign and deliver the said book or books on or before the last day of November in the then current year to the sheriff of the county, to be by him and his successors in the office of sheriff safely kept, for the purposes hereinafter and in the said recited Act mentioned (b).

XLVIII. The lists of voters for each city or borough, signed as aforesaid, shall be forthwith delivered by the revising barrister to the town clerk of the same city or borough; and the said town clerk shall forthwith cause the said lists to be copied and printed in a book; and in the said book the said lists shall be arranged and every name numbered according to the directions aforesaid with regard to the county lists, so far as the same are applicable; and the said town clerk shall sign and deliver the said book on or before the said last day of November to the returning officer of the same city or borough, to be by him and his successors as returning officer safely kept for the purposes hereinafter mentioned (b).

\* \* \* \* \*

L. Any assessor or collector of taxes, or other officer, or any overseer or overseers of the poor, or other persons having the custody of any poor rate book for any past year, or any assistant overseer or relieving officer, who shall wilfully refuse or neglect, when duly required by summons under the hand of any revising barrister, to attend before such barrister at any court to be holden as aforesaid according to the exigency of such summons, shall, upon proof before him of the service of such summons, be liable to pay by way of fine for every such offence a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of the said barrister holding any such court as aforesaid.

LI. Any overseer of any parish or township who shall wilfully refuse or neglect to make out any list, or who shall wilfully neglect to insert therein the name of any person who shall have given due notice of claim, or who in making out the list of voters for any city or borough shall wilfully and without any reasonable cause omit the name of any person duly qualified to be inserted in such list, or who shall wilfully and without reasonable cause insert in such list the name of any person not duly qualified, or who shall wilfully refuse or neglect to publish any notice or list, or copy of the part of the register of voters relating to his parish or township, at the time and in the manner required by this Act, or who shall wilfully refuse or neglect to deliver to the clerk of the peace the copy of the lists of claimants and of persons objected to, and the copies of the register, as required by this Act, or who shall wilfully refuse or neglect to deliver to the town clerk of the city or borough the copies of the several lists as required by this Act, or who shall wilfully refuse or neglect to attend the court for revising the lists of voters of his

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Clerk of the peace to sign and deliver a copy to the sheriff.

Borough lists to be delivered to the town clerks, and copied into a book.

Town clerks to sign and deliver same to returning officers.

Assessors and other officers neglecting to attend when summoned by revising barrister, liable to be fined.

Power to barristers to fine overseers for neglect of duty.

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parish or township, or to attend any revising barrister when required by any summons as aforesaid, or who shall wilfully refuse or neglect to deliver to the barrister or barristers holding any such court the several lists to be made out by them as aforesaid, or who shall be wilfully guilty of any other breach of duty in the execution of this Act, shall for every such offence be liable to pay by way of fine a sum of money not exceeding five pounds nor less than twenty shillings, to be imposed by and at the discretion of any barrister holding any court for the revision of any list of the parish or township of such overseer: Provided always, that nothing herein contained as to any fine as aforesaid shall affect or abridge any right of action against any overseer or other person liable to any fine as aforesaid, or any liability such overseer or other person may incur under or by virtue of this Act, or the said recited Act (a).

\* \* \* \* \*

Expences of  
town clerks  
and returning  
officers, how  
to be defrayed.

LV. All the expences incurred by any town clerk or returning officer of any city or borough in carrying into effect the provisions of this Act shall be defrayed out of the monies to be collected for the relief of the poor in the several parishes and townships within the same city or borough; and the sum to be contributed by every such parish or township shall be calculated as nearly as may be according to the same relative proportion as the number of persons whose names shall appear in the list of the said parish or township shall bear to the number in all the other lists upon the same register; and an account of all the said expences so incurred, and also an account of the sum to be contributed for defraying the same by each parish or township as aforesaid, shall as soon as may be after the said expences shall have been so incurred, be laid before the common council or town council of the said city or borough, or if there be no such council in any city or borough, then before the justices of the peace at the quarter sessions to be holden in and for the county in which the same city or borough is situate; and the said council or the said justices respectively shall, when they allow the said accounts, make and give to the said town clerk a certificate of the total sum allowed by such council or justices in respect of the said expences, and also a certificate of the sum to be paid by and as the contribution of each of the said parishes or townships towards defraying the same; and thereupon it shall be lawful for the overseers of every such parish or township, and they are hereby required, out of the first monies to be collected for the relief of the poor, to pay the sum in such certificate mentioned to be paid by and as the contribution of the said parish or township to the said town clerk (b).

\* \* \* \* \*

Expences of  
overseers, how  
to be defrayed.

LVII. An account of all expences incurred by the overseers of every parish or township in carrying into effect the provisions of this Act shall be laid before the revising barrister

(a) See 30 & 31 Vict. c. 102, s. 28.

(b) See 30 & 31 Vict. c. 102, s. 31; and 31 & 32 Vict. c. 58, s. 23.

at the court at which the list of voters for such parish or township shall be revised ; and the said barrister shall sign and give to the said overseers a certificate of the sum which he shall allow to be due to them in respect to the said expenses ; and it shall be lawful for the said overseers to receive the sum so certified to be due to them from and out of the first monies thereafter to be collected for the relief of the poor in the same parish or township.

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LVIII. Notwithstanding anything in the said recited Act contained, it shall not be necessary for or required of any person claiming or upon giving notice of any claim as herein or in the said recited Act mentioned to pay or cause to be paid to the overseer of any parish or township the sum of one shilling, or any other sum ; nor shall any notice of claim as aforesaid be invalid by reason of such or any sum not having been paid ; and no person whose name shall be upon any register of voters for any city or borough shall be therefore liable to the payment of one shilling annually, or of any other sum on that account (c).

No payment  
necessary by  
persons  
making claim  
in counties ;

nor by persons  
on register in  
cities and  
boroughs.

\* \* \* \* \*

LXXV. "And whereas by the said first-recited Act, it is enacted that in every city or borough which shall return a member or members to serve in any future parliament, every male person of full age, and not subject to any legal incapacity, who shall occupy within such city or borough, or within any place sharing in the election for such city or borough, as owner or tenant, any house, warehouse, counting-house, shop, or other building, being, either separately or jointly with any land within such city, borough, or place, occupied therewith by him as owner, or occupied therewith by him as tenant under the same landlord, of the clear yearly value of not less than ten pounds, shall, if duly registered according to the provisions thereafter contained, be entitled to vote in the election of a member or members to serve in any future parliament for such city or borough ; and it is also provided that no such person shall be so registered in any year unless he shall have occupied such premises as aforesaid for twelve calendar months next previous to the last day of July in such year, nor unless such person, where such premises are situate in any parish or township in which there shall be a rate for the relief of the poor, shall have been rated in respect of such premises to all rates for the relief of the poor in such parish or township made during the time of such his occupation so required as aforesaid, nor unless such person shall have paid on or before the twentieth day of July in such year all the poor's rates and assessed taxes which shall have become payable from him in respect of such premises previously to the sixth day of April then next preceding : And whereas doubts have arisen how far any misnomer or inaccurate or insufficient description in a rate

Right of  
voting in  
boroughs by  
occupiers of  
houses, &c.  
of the annual  
value of 10*l*.

Not to vote  
unless rated  
to the poor  
rate.

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boroughs.*

Inaccurate  
description in  
rate not to  
prevent  
persons being  
registered.

How distances  
to be mea-  
sured.

"Overseers"  
or "overseers  
of the poor."

of the person occupying any such premises as in the said recited Act are mentioned, or any inaccurate description of the premises, so occupied has the effect of preventing any such person from being registered and entitled to vote in respect of such premises in any year:" Be it therefore declared and enacted, that where any person shall have occupied such premises as in the said recited Act are mentioned for twelve calendar months next previous to the last day of July in any year, and such person being the person liable to be rated for such premises shall have been *bonâ fide* called upon to pay in respect of such premises all rates made for the relief of the poor in such parish or township during the time of such his occupation so required as aforesaid, and such person shall have *bonâ fide* paid, on or before the twentieth day of July in such year, all sums of money which he shall have been called upon to pay as rates in respect of such premises for one year previously to the sixth day of April then next preceding, such person shall be considered as having been rated and paid all rates in respect of such premises within the meaning of the said recited Act, and be entitled to be registered in respect of the same in any year, any misnomer or inaccurate or insufficient description in any rate of the person so occupying or of the premises occupied notwithstanding (c).

LXXVI. "And whereas doubts have arisen as to the measurement of the distance of seven statute miles in the said first-recited Act mentioned and therein prescribed, as to the residence of voters for any city or borough:" Be it therefore declared and enacted, that the said distance shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from the point within any city or borough or place sharing in the election therewith from which such distance is to be measured, according to the directions in that behalf in the said Act: Provided always, that in cases where there is now or shall hereafter be a map of any city or borough, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of her Majesty's ordnance, such distance may be measured and determined by the said map (d).

CI. \* \* \* and the words "overseers" or "overseers of the poor" shall extend to and mean all persons who by virtue of any office or appointment shall execute the duties of overseers of the poor, by whatever name or title such persons may be called, and in whatsoever manner they may be appointed, and all matters by this Act directed to be done by the overseers of a parish or township may be lawfully done by the major part of such overseers (e). \* \* \*

\* \* \* \* \*

(c) See 31 & 32 Vict. c. 58, s. 30.

(e) See 30 & 31 Vict. c. 102,

(d) See 32 & 33 Vict. c. 55, s. 1. ss. 59, 61.

## 6 &amp; 7 VICT. CHAP. 36.

AN ACT to exempt from County, Borough, Parochial, and other Local Rates, Land and Buildings occupied by Scientific or Literary Societies.  
[28th July, 1843.]

“WHEREAS it is expedient that societies established exclusively for purposes of science, literature or the fine arts should be exempt from the charge of county, borough, parochial, and other local rates in respect of land and buildings occupied by them for the transaction of their business, and for carrying into effect their purposes;” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of October one thousand eight hundred and forty-three no person or persons shall be assessed or rated, or liable to be assessed or rated, or liable to pay, to any county, borough, parochial, or other local rates or cesses, in respect of any land, houses, or buildings, or parts of houses or buildings, belonging to any society instituted for purposes of science, literature, or the fine arts exclusively, either as tenant or as owner, and occupied by it for the transaction of its business, and for carrying into effect its purposes, provided that such society shall be supported wholly or in part by annual voluntary contributions, and shall not, and by its laws may not, make any dividend, gift, division, or bonus in money unto or between any of its members, and provided also that such society shall obtain the certificate of the barrister-at-law or lord advocate as hereinafter mentioned.

Scientific societies exempted from rates upon obtaining the certificate hereinafter mentioned.

## SOCIETIES CLAIMING EXEMPTION.

The British Foreign School Society is not a society within 6 & 7 Vict. *Decisions on* c. 36, and is therefore liable to be rated: *Reg. v. Pocock*, 8 Q. B. 729; *sect. 1.* 15 L. J. M. C. 132; 10 J. P. 551.

To come within 6 & 7 Vict. c. 36, s. 1, the society must have an express law prohibiting the declaration of dividends. *Seemle*, that a society instituted for the diffusion of religious knowledge, though by literary means (such as the Religious Tract Society), is not within the exemption: *Reg. v. Jones*, 8 Q. B. 719; 15 L. J. M. C. 159; 10 J. P. 531.

A subscription library, established out of a share capital and supported by annual subscriptions of members, was held not entitled to exemption under the Act: *Reg. v. Phillips*, 17 L. J. M. C. 83; 8 Q. B. 745.

A society for the “acquisition and diffusion of useful knowledge,” the income of which was made up of profits derived from letting their rooms and from voluntary contributions, was held not to be within 6 & 7 Vict. c. 36, s. 1, and therefore rateable: *Purvis v. Traill*, 18 L. J. M. C. 57; 13 J. P. 219.

## SOCIETIES CLAIMING EXEMPTION—continued.

*Decisions on  
sect. 1.*

The Birmingham New Library is a society entitled to exemption under the statute; but as there was no appeal against the rate, the magistrates were held bound to issue a warrant to enforce payment of it: *Birmingham v. Shaw*, 10 Q. B. 868; S. C. Ex parte *Birmingham* in re *Birmingham New Library*; 18 L. J. M. C. 89; 13 J. P. 395.

A society which could be regarded only as a musical club, the primary object of which was the gratification and amusement of the members and their families, was held not entitled to exemption under the Act: *Reg. v. Brandt*, 16 Q. B. 462; 20 L. J. M. C. 119; 15 J. P. 191; 4 N. S. C. 494.

If the society had been so entitled, the accidental use of their hall for the benefit of the local infirmary would not have affected the right to exemption: *Id.*

The London Library Society was held, as such, entitled to exemption from rates; but having let portions of its premises to three other scientific societies, it was held that this was not an occupation for the purposes of the society, and that the premises therefore were not exempt from rates: *Earl of Clarendon v. St. James, Westminster*, 20 L. J. M. C. 213; 15 J. P. 340.

The Royal Manchester Institution, built out of funds subscribed by shareholders, and held in trust to be used as a museum of works of art and science, antiquities and specimens of natural history, and for delivery of lectures on subjects of science, literature, or the arts, was held entitled to exemption from rates under the Act: *Reg. v. Manchester*, 16 Q. B. 440; 20 L. J. M. C. 113; 15 J. P. 193.

A building erected by a society for the purpose of being used as a library and news-room by the members of the society who had paid their subscriptions is not entitled to be exempted from rates, the primary object of the society being the private benefit and convenience of the members: *Reg. v. Gaskell*, 16 Q. B. 472; 21 L. J. M. C. 29; 15 J. P. 755.

The United Service Institution, Whitehall, composed in part of a museum of arms, curiosities, &c., library, lecture-rooms, &c., is not entitled to the exemption from rateability: *Reg. v. Cockburn*, 16 Q. B. 480; S. C. *Reg. v. St. Martin's-in-the-Fields*, 21 L. J. M. C. 53; 16 J. P. 198.

Knellar Hall, a normal training school established by government, was held rateable in like manner as any other establishment in which a cheap education was offered through the bounty of the founder, and was not entitled to be exempted under this Act: *Reg. v. Temple*, 22 L. J. M. C. 129; S. C. *Reg. v. Knellar Hall*, 31 L. T. 212.

An institution comprising a library, lecture-room, and news-room, established in the first instance by transferable shares, and supported by annual subscribers, and fees were charged to the public for admission to lectures; other profits were derived from letting off part of the premises, and the whole was applied for the purposes of the institution—not entitled to exemption: *Russell Institution v. St. Giles-in-the-Fields and St. George, Bloomsbury*, 3 E. & B. 416; 23 L. J. M. C. 65; 18 Jur. 597; 18 J. P. 129; 22 L. T. 37.

The Zoological Society is not “a society for the purposes of science exclusively,” nor supported in part by annual voluntary contributions,” within s. 1 of 6 & 7 Vict. c. 36: *St. Marylebone v. Zoological Society*, 3 E. & B. 807; S. C. *Reg. v. Zoological Society*, 23 L. J. M. C. 139; 18 J. P. 489; 23 L. T. 171; 18 Jur. 786.

The Linnæan Society of London was held: (1.) a society for the purposes of science exclusively; (2.) to be a society supported in part by voluntary contributions, and therefore within the exemption from rates; (3.) The residence of the librarian and porter on the premises, being subsidiary and necessary for the purposes of the society, did not deprive the society of exemption from rateability; (4.) The mere circumstance of the society underletting part of the premises did not deprive them of such exemption; (5.) The sub-

II. Provided always, that before any society shall be entitled to the benefit of this Act such society shall cause three copies of all laws, rules and regulations for the management thereof, signed by the president or other chief officer and three members of the council or committee of management, and countersigned by the clerk or secretary of such society, to be submitted, in England, Wales, and Berwick-upon-Tweed, to the barrister-at-law for the time being appointed to certify the rules of friendly societies there, and in Scotland to the lord advocate, or any depute\* appointed by him to certify the rules of friendly

Scientific societies to cause three copies of their rules of management to be submitted to the barrister or person appointed to \*(*Sic.*)

#### SOCIETIES CLAIMING EXEMPTION—continued.

let premises were to be rated to the sub-tenant: *St. Ann, Westminster, v. Decisions on Linnæan Society*, 3. E. & B. 793; 23 L. J. M. C. 149; 18 J. P. 504; *sect. 1.*  
23 L. T. 186; 18 Jur. 859.

The Cambridge Philosophical Society was held not entitled to exemption from rates, as the premises were not occupied exclusively for the purposes of science, literature, or the fine arts. It was also held that the reading room could not be separate for the purposes of exemption, from the rest of the building: *Purchas and the Cambridge Philosophical Society v. Holy Sepulchre*, 4 E. & B. 156; 1 Jur. (N. s.) 304; 24 L. J. M. C. 9; 18 J. P. 724.

Where some of the purposes of a society, and means employed, are different from those of science, literature, or the fine arts, the premises occupied by the society are rateable: *Scott v. St. Martin-in-the-Fields*, 5 E. & B. 558; 25 L. J. M. C. 42; 20 J. P. 420; 1 Jur. (N. s.) 1207; 26 L. T. 121.

A society instituted for the cultivation and promotion of medicine and surgery, and the branches of science connected therewith, is a scientific society exempted from rates in respect of premises occupied solely by them, by virtue of 6 & 7 Vict. c. 36, s. 1: *Reg. v. Royal Medical and Chirurgical Society of London*, 21 J. P. 789.

The Bradford Library and Literary Society is exempt as a society instituted for the purposes of science, literature, and the fine arts exclusively, the fact of the use of the library and its contents being confined to the subscribers not making their purposes less the primary object of the society, or preventing it from coming within the exemption in 6 & 7 Vict. c. 36, s. 31. Contributions are voluntary, if the obligation to pay be voluntarily incurred, and the personal benefit derived to contributors in having the exclusive use of the rooms and the use of books at their houses, in return for their subscription, is not such as to take them out of the meaning of "voluntary contributions," in the proviso to s. 1 of 6 & 7 Vict. c. 36: *Bradford Library and Literary Society v. Bradford*, 22 J. P. (N.) 783; 28 L. J. (N. s.) M. C. 73; 5 Jur. (N. s.) 513; S. C. nom. *Reg. v. Bradford Library and Literary Society*, 32 L. T. 105.

The exemption from rates applies to rates imposed subsequently to 6 & 7 Vict. c. 36, s. 1. This society was a society the funds of which were derived from the purchase money of shares, the possession of which entitled persons to its benefits, from the subscriptions of members, from fines, sale of forfeited shares, and sale of books withdrawn from library, and of catalogues. In default of payment of subscriptions, shares of members might be declared forfeited; the shares were transferable and might be sold. The rules contained a prohibition against any dividend, gift, division, or bonus being made to or between the members; no newspapers were introduced, and the books were circulated solely among the members and such strangers as were gratuitously introduced by members: Held, that the society was entitled to the exemption claimed: *Liverpool Library v. Liverpool*, 2 L. T. (N. s.) 325; 29 L. J. M. C. 221; 5 H. & N. 526; 24 J. P. 549.

certify the rules of friendly societies, who shall certify thereon if entitled.

One certified copy to be returned to the society; one to be retained by the barrister; and the other transmitted to the clerk of the peace for confirmation at sessions, and to be deposited.

Certain alterations made in the rules to be certified and deposited in like manner.

societies there, and in Ireland to the barrister for the time being appointed to certify the rules of friendly societies there, for the purpose of ascertaining whether such society is entitled to the benefit of this Act; and such barrister or lord advocate, as the case may be, shall give a certificate on each of the said copies that the society so applying is entitled to the benefit of this Act, or shall state in writing the grounds on which such certificate is withheld; and one of such copies, when certified by such barrister or lord advocate, shall be returned to the society, another copy shall be retained by such barrister or lord advocate, and the other of such copies shall be transmitted by such barrister or lord advocate to the clerk of the peace for the borough or county where the land or buildings of such society, in respect of which such exemption is claimed shall be situated, and shall by him be laid before the recorder or justices for such borough or county at the general quarter sessions, or adjournment thereof, held next after the time when such copy shall have been so certified, and transmitted to him as aforesaid, and the recorder or justices then and there present are hereby authorized and required, without motion, to allow and confirm the same; and such copy shall be filed by such clerk of the peace with the rolls of the sessions of the peace in his custody, without fee or reward.

III. If the laws, rules, and regulations of any such society shall be altered, so as to affect or relate to the property or constitution of such society, such alterations shall, within one calendar month after the same shall have been made, be submitted to such barrister or lord advocate, and such barrister or lord advocate shall certify as aforesaid; and such rules, when so certified, shall be filed with the clerk of the peace as aforesaid; and in the mean time such society shall be entitled to the

#### BARRISTER'S CERTIFICATE.

*Decisions on sect. 2.*

*Mandamus*, and not *certiorari*, is the proper remedy in the case of an erroneous judgment of the sessions, annulling, on a preliminary technical objection, a certificate under 6 & 7 Vict. c. 36, that a society is entitled to exemption from rates: *Reg. v. Stacey*, 14 Q. B. 789; 14 J. P. 415.

Under 6 & 7 Vict. c. 36, s. 6, an appeal may be entered against the certificate of the barrister, which allows the exemption, within four months after the first assessment made after formal notice of the granting and filing the certificate had been given to those who made the rate, though some months after filing the certificate: *Reg. v. Pocock*, 15 L. J. M. C. 132; 8 Q. B. 729; 10 J. P. 551.

The barrister's certificate is not conclusive proof of the requisites of the statute having been complied with; but is merely one of the several conditions precedent, which must all concur to give a right of exemption: *Reg. v. Phillips*, 17 L. J. M. C. 83; 8 Q. B. 745.

A poor rate was made upon the occupier of premises used by a society entitled to exemption from rates under 6 & 7 Vict. c. 36, but no appeal was made by the person rated: Held that he could not set up the statutory exemption as a ground for refusing to pay the rate, and that the magistrates were bound to issue a warrant to enforce payment of it: *Ex parte Birmingham in re Birmingham New Library*, 18 L. J. M. C. 89.

benefit of this Act, as if no such alterations had been made: Provided always, that if the said barrister or lord advocate shall refuse to certify, that then, subject to such appeal as is herein-  
In case of refusal to certify.  
 after provided, the said society shall cease to be entitled to the benefit of this Act from the time when such alterations shall come into operation.

IV. Provided always, that the fee payable to such barrister or lord advocate for perusing the laws, rules, and regulations of each society, or the alterations made therein, and giving such certificate or statement as aforesaid, shall not at any one time exceed the sum of one guinea, which, together with the expence of transmitting the rules to and from the said barrister or lord advocate, shall be defrayed by each society respectively.

V. Provided always, that in case any such barrister or lord advocate shall refuse to certify that any such society is entitled to the benefit of this Act, it shall then be lawful for any such society to submit the laws, rules, and regulations thereof to the court of quarter sessions for the borough or county where the land or buildings of the society shall be situated, together with the reasons so assigned by the said barrister or lord advocate as aforesaid; and the recorder or justices at such quarter sessions shall and may, if he or they think fit, order the same rules to be filed, notwithstanding such refusal as aforesaid; and such filing shall have the same effect as if the said barrister or lord advocate had certified as aforesaid.

VI. Provided also, that any person or persons assessed to any rate from which any society shall be exempted by this Act may appeal from the decision of the said barrister or lord advocate in granting such certificate as aforesaid to the said court of quarter sessions, within four calendar months next after the first assessment of such rate made after such certificate shall have been filed as aforesaid, or within four calendar months next after the first assessment of such rate made after such exemption shall have been claimed by such society, such appellant first giving to the clerk or secretary of the society in question, twenty-one days previously to the sitting of the said court, notice in writing of his intention to bring such appeal, together with a statement in writing of the grounds thereof, and within four days after such notice entering into a recognizance before some justice, with two sufficient sureties, to try such appeal at and abide the order of and pay such costs as shall be awarded by the recorder or justices at such quarter sessions; and at such quarter sessions such recorder or justices shall, on its being proved that such notice and statement have been given as aforesaid, proceed to hear such appeal, according to the grounds set forth in such statement, and not otherwise, and, if the certificate of the said barrister or lord advocate shall appear to him or them to have been granted contrary to the provisions of this Act, shall and may annul the same, and shall and may, according to their discretion, award such costs to the party appealing or appealed against as he or they shall think proper, and his

or their determination concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

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6 & 7 VICT. CHAP. 73.

AN ACT for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales.  
[22nd August, 1843.]

\* \* \* \* \*

No person to act as an attorney or solicitor, unless admitted and enrolled.

II. From and after the passing of this Act no person shall act as an attorney or solicitor, or as such attorney or solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in the name of any other person or in his own name, in Her Majesty's High Court of Chancery, or Courts of Queen's Bench, Common Pleas, or Exchequer, or Court of the Duchy of Lancaster, or Court of the Duchy Chamber of Lancaster at Westminster, or in any of the courts of the counties palatine of Lancaster and Durham, or in the Court of Bankruptcy, or in the Court for the Relief of Insolvent Debtors, or in any county court, or in any court of civil or criminal jurisdiction, or in any other court of law or equity in that part of the United Kingdom of Great Britain and Ireland called England and Wales, or act as an attorney or solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, or before any commissioners of Her Majesty's revenue, unless such person shall have been previously to the passing of this Act admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor under or by virtue of the laws now in force, or unless such person shall after the passing of this Act be admitted and enrolled and otherwise duly qualified to act as an attorney or solicitor, pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and on the roll at the time of his acting in the capacity of an attorney or solicitor as aforesaid (a).

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(a) See 7 & 8 Vict. c. 101, s. 68; and 23 & 24 Vict. c. 127, s. 33.

## 7 &amp; 8 VICT. CHAP. 33.

AN ACT for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties (b).

[19th July, 1844.]

“ WHEREAS the constitution of boards of guardians for parishes and unions of parishes for the administration of the laws for the relief of the poor in England, together with the appointment of treasurers holding funds contributed by such parishes, affords great facility for the collection of county rates, hundred rates, police rates, and other like rates authorized to be levied in counties or parts of counties; and it is expedient to relieve high constables from the duties of collecting and paying to the county treasurer the said rates, and from attending at the quarter sessions of the peace of their several counties in certain cases, and from the performance of certain other duties at present by law imposed on them:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that Justices of the peace shall soon as any vacancy occurs in the office of high constable (c) of send precepts directly to guardians of unions for the payment of county rates, &c. any hundred, by the expiration of his appointment, or otherwise, then, as often as the justices of the peace within the respective limits of their commissions in England have made a county rate or a police rate, or any other rate which may by law be raised in like manner as county rates, or any two or more such rates, such justices assembled at their general or quarter sessions, or at any adjournment thereof, shall order precepts in the form shown in the schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such justices act, and may cause such precepts

(b) This statute is repealed, so far as relates to county rates, by 24 & 25 Vict. c. 101.

(c) See 32 & 33 Vict. c. 47.

Guardians to  
pay such rates.

County trea-  
surer to  
receive the  
same.

If the guar-  
dians fail to  
pay such rates,  
the justices  
may issue  
warrants to  
the overseers  
of parishes, &c.  
to pay the  
same.

to be sent by post, or otherwise, to such guardians; and such precepts shall have force in every such union so far as concerns such parishes as are within the limits of the commission of the said justices, notwithstanding that the place of meeting of such guardians may not be situated within such limits, and without being endorsed with the signature of any justice of the peace having ordinary jurisdiction in the place of meeting of the guardians; and such guardians shall raise the monies required by such precepts to be paid in like manner as the money required by such guardians for the relief of the poor, and shall pay such monies at the time limited and in the manner prescribed by such precepts; and if the treasurer of such guardians, or any person on his or their behalf, tender to the treasurer of the county or place for which such justices act the aggregate of the said several sums, or if he so tender the whole sum assessed on any such parish or parishes in respect of any such rate or rates, together with a copy of such precept in which are specified the parish or parishes, and the rate or rates, in respect of which the same is so tendered, the treasurer of the county shall receive the sum so tendered, notwithstanding that the sums required to be paid on behalf of other of such parishes or of other of such rates be not then tendered, and shall give a receipt for the sum or sums received by him accordingly, but he shall not receive any sum on behalf of any such parish less than the whole of the sum assessed and charged thereon in respect of one such rate; and the receipt of the treasurer of such county or place shall be a good discharge for the payment of the sums specified in any such precept or of any of them.

II. In case guardians do not pay within the time limited in such precept the sum or sums of money therein required to be paid on behalf of any parish, the said justices assembled as aforesaid may cause to be issued and sent, by post or otherwise, to the overseers of the poor of such parish, or to the petty constable or peace officer, or other person or persons empowered in any place to rate and levy the monies assessed as such county, police, or other rate, warrants to collect and pay to the treasurer of the county or place in which such justices act, within a time to be named and limited in such warrants, the rate or rates charged on such parish or place respectively, together with an addition to such rate or rates in the proportion of one shilling to every ten; and such additional sum shall be applied and disposed of in like manner as the county rate; and such overseers of the poor, petty constables, peace officers, or other persons may reimburse themselves, as well for such additional sums as for the original amount of rate or rates, out of the monies which they are respectively empowered to rate and levy for the purpose of such county, police, or other rate, but shall not receive or take from the county rate, or any other rate, any allowance or compensation for their trouble or expences incurred in collecting, levying, or paying such county, police, or other rate.

III. If any overseer, petty constable, peace officer, or other person as aforesaid refuse, make default, or neglect to pay to the treasurer of the county or place, within the time limited as aforesaid, the sum or sums of money specified in the said warrants, and if the clerk of the peace or treasurer of the county or place make complaint thereof, then any justice of the peace of such county or place may by warrant under his hand levy the same by distress and sale of the goods of the offender; and the justices assembled as aforesaid may pay to any clerk, constable, messenger, or other person who may have been employed in making such complaint, or in obtaining, drawing, or executing such warrant, such reasonable compensation out of the county stock as to the said justices may seem fit.

If the overseers, &c. fail to pay, the justices may levy the rate by distress and sale.

IV. In every case where any parish comprised in a union has, on or before the day on which any precept as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of one shilling in every ten as hereinbefore provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

Parishes not in arrear with contributions to be reimbursed by those which are in arrear.

V. In the case of every parish not comprised within any union, and in which the laws for the relief of the poor, are not administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a board of guardians, of which parish a part only is situated within the limits of the commission of any justices, for which part no separate rate is levied for the relief of the poor, and in the case of every place not maintaining its own poor, but liable to the payment of county,

Justices may issue precepts to the overseers of parishes, &c. not comprised in unions, or only partly within the jurisdiction of the justices, without the intervention of

the high constable.

police, or other rates as aforesaid, the justices assembled as aforesaid may, so soon as any vacancy occurs in the office of high constable as aforesaid, issue their warrant to the overseers, petty constables, peace officers, or other persons empowered by law to rate and levy county, police or other rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said justices may from time to time direct, within a time limited in such warrant, the county rate, police rate, or other rate or rates as aforesaid charged on them, without the agency or intervention of any high constable, and such justices may cause such warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant, the same remedy may be had against them as now by law exists against overseers neglecting to pay on the warrant of the high constable (a).

Delivery of precepts, &c. by post, and evidence thereof.

VI. Whenever precepts or warrants as provided by this Act are to be sent by post, the clerk of the peace shall send every such precept or warrant by post as a registered letter, according to the regulations of the postmaster general in force for the time being in that behalf; and every precept or warrant delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered; and if delivered or tendered to the clerk or other like officer acting for any guardians, shall be deemed to have been served on the whole of such guardians; and if delivered or tendered to any one overseer of a parish, shall be deemed to have been served on the whole of the overseers of such parish.

Where special sessions are required to be holden notice of the same to be sent to each justice.

VII. "And whereas it is expedient to relieve high constables from the duty of serving notices of the holding of special sessions on the justices of the peace of the division of special sessions personally;" Be it enacted, that from and after the passing of this Act, in all cases in which special sessions are required to be holden for any division of any county or place, if notice of the intended holding of such special sessions be signed by any one justice of the peace usually acting within such division, and if a copy of such notice be sent by post a reasonable time before the day on which such sessions are to be holden, addressed to each justice of the peace resident and usually acting within such division at his residence in such division, such notice shall be deemed to have been duly given to or served on each such justice of the peace; any law or custom to the contrary notwithstanding.

High constable now appointed at quarter sessions to be

VIII. "And whereas it is expedient to relieve high constables, in certain cases, from the duty of attending at the court of quarter sessions;" Be it enacted, that where high constables

have heretofore been usually appointed at courts of quarter sessions the high constables of such places shall hereafter be appointed by such justices as may be present at the special sessions of their division held for the purpose of hearing appeals against the rates of the several parishes in such division, or at any adjournment thereof, but if the hundred or other like division of the county for which any high constable is to be appointed be not included within the limits of any one division of the county for which such special sessions are held, then the justices of the peace for the county assembled at general or quarter sessions, or any adjournment thereof, may from time to time determine the division of the special sessions at which such high constable is to be appointed, and shall cause notice of such determination to be sent by post, or otherwise, to the high constable for the time being of such hundred or other like division; and every high constable, whether appointed at a special sessions, or at an adjournment thereof, or at a court leet, or any other special court, shall, if present at the time of his being appointed, then and there take his oath for the due execution of his office, and if otherwise, he shall forthwith, on the receipt of his appointment, go before the next or some other justice of the peace for the county in which he resides, and then and there take his said oath of office, and he shall not, in virtue of his office of high constable, be required to take any other oath than the said oath for the due execution of his office (b).

appointed at  
special  
sessions.

High con-  
stables to take  
only the oath  
for due execu-  
tion of their  
office.

IX. In the construction of this Act the word "parish" shall be construed to include any township, vill, or place maintaining its own poor, whether parochial or extra-parochial, or any part of a parish, township, vill, or other place for which a separate poor rate may be made (c); the word "union" shall be construed to mean and include any number of parishes united under the Act passed in the fifth year of the reign of His late Majesty King William the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in England," or under an Act passed in the twenty-second year of the reign of His late Majesty King George the Third, "for the better Relief and Employment of the Poor," or under any local Act; and the word "guardians" shall mean and include any board of guardians acting under the provisions of the said Act passed in the fifth year of His late Majesty King William the Fourth, and empowered to relieve the poor of any parish or union, and the visitors, guardians, directors, managers, acting guardians, vestrymen, or other officers in a union appointed to act in the ordering of relief of the poor from the poor rate under any general or local Act of parliament; and the word "hundred" shall mean and include any hundred, wapentake, ward, or other district in the nature of a hundred, by whatever name denominated.

Construction  
of the words  
"parish,"  
"union,"  
"guardians."

(b) See 31 & 32 Vict. c. 72; and 32 & 33 Vict. c. 47.

(c) See 29 & 30 Vict. c. 113, s. 18.

## SCHEDULE to which this Act refers.

*Form of Precept.*

County of                    } To the guardians of the                    union.  
to wit.

THESE are to require you, the guardians of the                    union, from and out of the monies paid into the hands of the treasurer of your union for the uses and purposes of the said union, to pay or cause to be paid, on or before the                    day of                    into the hands of *A. B.*, treasurer of the said county, appointed to receive the same, the sum of                    being the amount of the several and respective sums of money hereunder set down and expressed opposite to and against the names of the several parishes, townships, or places comprised within your said union, the said several sums being respectively charged and assessed thereon as the proportion of the several parishes, townships, or places towards the general county rate, at                    in the pound, made at the last quarter sessions [*or general sessions*] of the peace held at                    in and for the said county [and towards a police rate, at                    in the pound, made at the same time and place].

[*Signature of the Clerk of the Peace.*]

Names of Parishes.	County Rate, at in the Pound.	Police Rate, at in the Pound.
	<div>£    s.    d.</div>	<div>£    s.    d.</div>

## 7 &amp; 8 VICT. CHAP. 61.

AN ACT to annex detached Parts of Counties to the Counties in which they are situated.

[6th August, 1844.]

“ WHEREAS there exist in England and Wales parts of counties detached from the main body of the county, and delay and hindrance to the administration of justice ensue, and inconvenience in other respects; and it is desirable to remedy the said evil:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the twentieth day of October next every part of any county in England or Wales which is detached from the main body of such county shall be considered for all purposes as forming part of that county of which it is considered a part for the purposes of the election of members to serve in parliament as knights of the shire, under the provisions of an Act passed in the third year of the reign of His late Majesty, intituled “An Act to settle and to describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament:” Provided always, that nothing herein contained shall be construed to alter the county, riding, or division to which any such detached part shall be deemed to belong for the purpose of holding inquests, under the provisions of an Act passed in the sixth year of the reign of Her Majesty, intituled “An Act for the more convenient holding of Coroners’ Inquests.”

Detached portions of counties to be part of the county by which they are surrounded.

2 & 3 Will. IV. c. 64.

6 & 7 Vict. c. 12.

II. Every such detached portion which under the provisions of this Act shall be annexed for purposes other than that of voting for members of parliament to any county to which it did not belong for such purposes before the passing of this Act shall thenceforth be taken to be part of the hundred, wapentake, ward, rape, lathe, or other like division by which it is wholly or for the most part surrounded, or to which it is next adjoining, in the county to which it will thenceforth belong, unless the justices of the county, riding, parts, or division, in general or quarter session assembled, shall declare it to be a new or separate hundred or other like division, which they shall be empowered to do; and it shall be lawful for the justices of such county, riding, parts, or division, in general or quarter sessions assembled, in every case in which there shall appear to them to be any doubt to which of such divisions any such detached part shall belong under this Act, to declare the division to which it shall be taken to belong; and such determination shall be final and conclusive, and shall be published in the “London Gazette,” the production of which paper shall be evidence thereof.

Detached parts to belong to adjoining hundred, &c. or to form a separate hundred.

Provision as to special and petty sessions. III. In all cases where any such detached part of a county shall have formed before the passing of this Act a separate division in which special and petty sessions of the peace for such county shall have been usually holden, such detached part shall remain a separate division for special and petty sessions of the county to which it shall be annexed after the passing of this Act, until the justices of the county, riding, parts, or division to which it shall be annexed after the passing of this Act shall have re-constituted such division for special and petty sessions of the peace under the provisions of an Act passed in the ninth year of the reign of King George the Fourth, intituled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," and also of an Act passed in the sixth and seventh years of the reign of King William the Fourth, intituled "An Act for amending an Act of the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for the better Regulation of Divisions in the several Counties of England and Wales.'"

9 Geo. IV.  
c. 43.

6 & 7 Will. IV.  
c. 12.

Error in  
stating name  
of county not  
to invalidate  
legal docu-  
ments.

IV. Provided always, that no judicial proceeding, or deed or other instrument in writing, shall be invalidated by reason of any error in stating the name of the county to which such detached portion originally belonged, instead of the county to which it will belong under this Act, or the converse: and that every proceeding at law, whether civil or criminal, already commenced, or to be commenced before the twentieth day of October next, shall and may be prosecuted and heard and determined exactly as if this Act had not been passed, save and except in so far as it shall be otherwise ordered by any of Her Majesty's superior courts of common law having jurisdiction in any case in which such order shall be made.

Saving of  
ecclesiastical  
rights.

V. Provided always, that nothing herein contained shall alter or interfere with any ecclesiastical jurisdiction or right of patronage.

Saving the  
rights of cer-  
tain coroners.

VI. "And whereas as to some such detached parts there are coroners appointed expressly for and having jurisdiction in such detached parts only;" Be it therefore enacted, that as to every such detached part for which at the time of the passing of this Act there is a coroner appointed for and acting in such detached part, such coroner shall during his life, or until he shall resign or be removed from his office, continue to hold and exercise his office and jurisdiction within such detached part in as ample a manner as if this Act had not been passed.

Act not to  
extend to alter  
or affect the  
land tax or  
assessed taxes  
in detached  
portions of  
counties.

VII. Provided always, that nothing herein contained shall be construed to affect or alter the assessments of the land tax or assessed taxes in or for any such detached portion of a county, or to extend or diminish the jurisdiction of any commissioners acting therein in the execution of the Acts relating to the said taxes respectively, but that all such detached portions shall be subject in that behalf to the jurisdiction of the commissioners acting for the same county or district as they would have been subject to if this Act had not been passed; and all parishes and

parts of parishes and places, and all manors, lands, tenements, and hereditaments within any such detached portion, shall continue chargeable towards raising the land tax charged upon the same county or other district to or in aid of which they have heretofore contributed a quota or portion of such land tax.

\* \* \* \* \*

### 7 & 8 VICT. CHAP. 91.

AN ACT to consolidate and amend the Laws relating to Turnpike Trusts in South Wales (*a*).

[9th August, 1844.]

“WHEREAS Her Majesty was, on the seventh day of October in the year one thousand eight hundred and forty-three, pleased to issue a commission to certain persons therein named, directing them, amongst other things, to make a full and diligent inquiry into the state of the laws as administered in South Wales which regulate the maintenance and repair of turnpike roads, highways, and bridges: And whereas the said commissioners made their report to Her Majesty, bearing date the sixth day of March in the year one thousand eight hundred and forty-four: And whereas the said commissioners, by their said report, among other things, recommended that the debts then chargeable upon the several turnpike trusts in South Wales should be ascertained and redeemed, and also that the several trusts in each of the respective counties then existing should be consolidated and placed under uniform management and control; and that the laws and regulations relating to the collection and application of tolls should be revised and amended: And whereas it is expedient that these and certain other recommendations of the said commissioners should be adopted, with certain modifications thereof:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the lord high treasurer, or the commissioners of Her Majesty’s treasury for the time being, or any three or more of them, by any writing under their hands, to appoint any competent persons, not being more than three in number, to be commissioners for carrying this Act into execution, one of whom shall be in manner aforesaid appointed chief commissioner for the time being, and upon any vacancy in the number of commissioners appointed, either by removal or by death or otherwise, to appoint some other fit person to supply the same; and the said commissioners for the time being, and

Appointment  
of commis-  
sioners.

(*a*) “That is to say, the counties Carmarthen, Pembroke, and Cardigan, respectively.” See sect. 2.

each and every of them, are and is hereby vested with the same powers and authorities as if he or they had been named in this present Act, and had been thereby appointed a commissioner or commissioners for executing the trusts reposed in him or them by this Act: Provided always that the powers hereby given to such commissioners shall absolutely cease and determine on the twenty-ninth day of September in the year one thousand eight hundred and forty-five, or on such earlier day as the said lord high treasurer, or the commissioners of Her Majesty's treasury, shall think fit to declare the same to be determined, and notice of the determination of the said commission shall be published in the *London Gazette*.

\* \* \* \* \*

Duration of  
commission.

If county  
roads fund  
prove insuf-  
ficient for the  
purposes re-  
quired, county  
roads board  
shall certify  
the amount  
required to  
quarter ses-  
sions.

XCV. In case it shall appear to any county roads board acting in and for any of the said counties respectively, at the annual general meeting of such board to be held under this Act, upon comparing the estimated receipts and expenditure of and for such county in respect of turnpike roads for the year next ensuing, which shall be made out and submitted to such board by the said general superintendent as aforesaid, that the said county roads fund will in the year next ensuing be insufficient for the several purposes to which the same is by this Act made applicable, such county roads board shall thereupon proceed to determine what amount of money will be necessary and sufficient, in addition to such county roads fund, to meet and supply the several purposes aforesaid; and the said county roads board shall then certify the sum of money necessary as aforesaid by a certificate in writing, to be signed by the chairman of the said board at their said meeting, and which shall be forthwith transmitted by the clerk of such board to the clerk of the peace or deputy clerk of the peace for such county; and the said clerk of the peace, or his deputy, shall produce the said certificate to the justices of the peace for such county at their general quarter sessions assembled which shall be held next after he shall have received the same: Provided always, that the sum so certified by any county roads board to be required in aid of such county roads fund shall in no case exceed the yearly sum which shall be payable by way of annuity as aforesaid to the said public works loan commissioners by the county in which such sum shall be required.

Justices in  
quarter ses-  
sions to make  
rate to supply  
the amount  
required.

XCVI. The justices of such county in such general quarter sessions assembled shall, for the purpose of raising the monies specified in such certificate, make a fair and equal rate, to be called "the county road rate," and for that purpose shall assess and tax the whole of such county according to a certain pound rate of and upon the full and fair annual value of all messuages, lands, tenements, and hereditaments within the said county, to be computed according to the valuation for the time being acted upon in assessing the county rate of such county, which said county road rate shall be levied, collected, and paid in the same manner, and by the same persons, and under the same powers,

provisions, and authorities, as any county rate now by law authorized to be collected from the persons liable to contribute to the same: Provided always, that whenever the said county road rate shall be collected together with and as part of the ordinary county rate, the warrants issued by the said justices *to the high constables* (a), and by the high constables to the overseers, and others required by law to collect the county rates, shall state how much is levied for the ordinary county rate, and how much for the said county roads rate, and the said rates shall be levied accordingly.

XCVII. For the purpose of obtaining the sum which ought to be contributed towards the said county roads rate by any liberty or franchise not contributing to the county rate of any such county, it shall be lawful for the said justices so assembled as aforesaid to make a rate, in just and equal proportion to the pound rate to be levied upon property liable to the county rate as aforesaid, upon all property within any liberty or franchise which shall be liable to any liberty rate, or rate in the nature of a county rate therein, according to the valuation of such property acted upon, and for the time being, in assessing the said liberty rate, or rate in the nature of a county rate, in such liberty or franchise; and the said justices shall thereupon issue their warrant under the hands of two or more of them, by which warrant they shall require the treasurer, or other person having the receipt of any liberty rate, or rate in the nature of a county rate, within such liberty or franchise, to pay to the treasurer of such county, out of the monies collected by way of liberty rate, or rate in the nature of a county rate, the amount mentioned in such warrant; and every such warrant shall specify the rate in the pound at which the sum therein mentioned shall be computed.

Provision for levying road rate in places not contributing to county rate.

XCVIII. The justices of such liberty or franchise shall order a rate to be made, at the rate mentioned in the said warrant, upon the property so liable as aforesaid within such liberty or franchise, which shall be levied and collected therein as part of the liberty rate, or rate in the nature of a county rate, to which such liberty or franchise is liable, in like manner as the said county road rate is hereinbefore directed to be levied and collected in such parts of any county as are liable to any county rate, and shall be paid over by the treasurer, or other person having the receipt of any liberty rate, or rate in the nature of a county rate within such liberty or franchise, within forty days from the receipt of such warrant, to the treasurer of the county from the justices of which such warrant shall have issued.

Justices of any liberty or franchise to make a rate upon the same.

XCIX. If payment shall not be made within the said forty days, according to the exigency of the said warrant, or if there shall be no person to whom such warrant can be directed, or no liberty rate, or rate in the nature of a county rate, to which the inhabitants of such liberty or franchise contribute, or if

In case of default, or if there is no rate applicable within such liberty or fran-

(a) See 10 & 11 Vict. c. 72, s. 1; and 32 & 33 Vict. c. 47.

chise, justices  
of the county  
empowered to  
act.

for any other reason it shall seem more convenient to the said last-mentioned justices, it shall be lawful for them to levy upon any liberty or franchise the full amount of the rate to which they shall have determined such liberty or franchise to be liable as aforesaid; and for the purpose of levying and collecting such rate the said justices shall have, for the purposes of this Act, within every such liberty or franchise respectively, the same powers which they have for levying and collecting county rates within the limits of their own commission, and such rate may be levied and collected by the like methods and subject to the same right of appeal as are applicable to any county rate collected within the parts of any county liable to the same; and the high constable (a) of every hundred or other division in which such liberty or franchise shall be wholly or in part locally situated, on the receipt of a warrant to that effect, under the hands of two or more of the said justices, shall collect the said rate; and the overseers of the poor, or in default of overseers, or in case there shall be no separate rate for the relief of the poor in any portion of such liberty or franchise, then such person or persons as the said justices in quarter sessions assembled shall appoint for that purpose, in every parish or place to which such liberty or franchise or any part thereof shall belong, upon receipt of a warrant to that effect from the said high constable, shall pay the amount assessed upon their parish or place respectively, or upon that part of it which is liable thereto, in like manner, and subject to the like penalties in case of default, as if such liberty or franchise were, for the purpose of a county rate, and for all other intents and purposes, a part of such county.

Power to  
inspect rates  
and returns.

C. The treasurer of any of the said counties, or any person having an order for that purpose under the hand of such treasurer, may inspect any liberty rate, or rate in the nature of a county rate, made or to be made for any liberty or franchise locally situate within such county, and may also inspect any returns relating to any of the parishes or places the inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to county rates, and may take copies or extracts of or from any such rates or returns without payment of any fee or reward; and if any person having the custody of any such rate or return shall wilfully neglect or refuse to permit any such treasurer or other person authorized as aforesaid to inspect the same, or to take copies of or extracts from the same, for two days after such order shall have been produced and shown to him, or a copy thereof left at his usual place of abode, he shall, on conviction thereof before any two justices of the peace, forfeit and pay for every such offence such sum, not exceeding ten pounds, as they shall think meet.

\* \* \* \* \*

(a) See 10 & 11 Vict. c. 72, s. 1; and 32 & 33 Vict. c. 47.

## 7 &amp; 8 VICT. CHAP. 101.

AN ACT for the further Amendment of the Laws relating to the Poor in England (*b*). [9th August, 1844.]

“ WHEREAS it is expedient to amend an Act passed in the session held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled ‘ An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,’ and certain other Acts relating to the relief of the poor in England:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act all powers for obtaining or making an order upon any putative father for the maintenance of a bastard child shall cease and determine (*c*), except as hereinafter provided (*d*). Powers of making order on putative father to cease.

II. Any single woman who may be with child, or who may be delivered of a bastard child, after the passing of this Act, or who has been delivered of a bastard child within the period of six calendar months before the passing of this Act, may either before the birth, or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, make application to any one justice of the peace acting for the petty sessional division (*e*) of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of such child (*f*); and if such application be made before the birth of the child (*g*) the woman shall make a deposition upon oath stating who is the father of such child, and such justice of the peace shall thereupon issue his summons (*h*) to the person alleged to be father of such child to appear at a petty session to be holden after the expiration of six days at least for the petty sessional division, city, borough, or other place in which such justice usually acts. The putative father to be summoned to petty sessions, on application of mother of bastard.

III. After the birth of such bastard child (*i*), on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of Justices in petty session may make an order on the putative father

(*b*) See 30 & 31 Vict. c. 106, s. 30.

(*c*) See 4 & 5 Will. 4, c. 76, ss. 72-76; and 2 & 3 Vict. c. 85.

(*d*) See sect. 9.

(*e*) See 8 & 9 Vict. c. 10

(*f*) Id.

(*g*) Id. s. 4.

(*h*) See 8 & 9 Vict. c. 10.

(*i*) Id. s. 4.

for maintenance and costs, and enforce the same by distress and commitment.

abode six days at least before the petty session, the justices in such petty session shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father (*a*), and if the evidence of the mother be corroborated in some material particular by other testimony, to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father (*b*) for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child under the provisions of this Act, of a sum of money weekly, and of such costs as may have been incurred in the obtaining of such order, including, if they think proper, ten shillings for the midwife, and ten shillings towards the funeral expences of the child, provided it have died before the making of such order; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said justices think fit, be calculated from the birth of the child, at a rate not exceeding five shillings per week for the first six weeks after the birth of such child; and in other cases such sum shall not exceed two shillings and sixpence per week from the time of the making of the application; and if at any time after the expiration of one calendar month from the making of such order as aforesaid it be made to appear to any one justice, upon oath or affirmation (*c*), that any sum to be paid in pursuance of such order has not been paid, such justice may, by warrant under his hand and seal (*d*), cause such putative father to be brought before any two justices (*e*); and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as herein-after provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two justices may, by warrant under their hands and seals (*f*), direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognizance or otherwise (*g*), to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such putative father, it

(*a*) See 8 & 9 Vict. c. 10, s. 7.

(*b*) Id. Sch.

(*c*) Id.

(*d*) See 8 & 9 Vict. c. 10, Sch.

(*e*) Id. s. 9.

(*f*) See 11 & 12 Vict. c. 43, s. 35.

(*g*) See 8 & 9 Vict. c. 10, Sch.

appear that no sufficient distress can be had (*h*), then any such two justices may, if they see fit, by warrant under their hands and seals (*i*), cause such putative father to be committed to the common gaol or house of correction of the county, city, borough, or place where they have jurisdiction, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied (*k*): Provided always, that if the woman have allowed the weekly payment to be in arrear for more than thirteen successive weeks, without application to a justice, the man shall not be called upon to pay more than the amount due for thirteen weeks in discharge of the whole debt, and no warrant of distress shall be issued for more than the amount of arrears for thirteen weeks payment in discharge of the whole arrears or debt (*l*).

Proviso.

IV. The justices in petty session as aforesaid may adjourn the hearing of the case as often as to them may seem fit; but no such order shall be made, unless applied for at such petty sessions within the space of forty days from the service of the summons after the birth of the bastard child, on the person alleged to be the father of such bastard child; and if within twenty-four hours after the adjudication and making of any order on the putative father as aforesaid such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security, by recognizance or otherwise (*m*), for the payment of costs, to the satisfaction of some one justice of the peace, it shall be lawful for such putative father to appeal to the general quarter sessions of the peace to be holden after the period of fourteen days next after the making of the said order for the county, city, borough, or place for which such petty session may have been held (*n*); and the justices in such quarter sessions assembled, or the recorder (*o*), as the case may be, shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them or him may seem fit.

Applications to be made within forty days.

Appeal to quarter sessions for the putative father.

V. All money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind, and is not in any gaol or prison, or under sentence of transportation; and after the death of the mother of such bastard child, or whilst such mother is of unsound mind, or confined in any gaol or prison, or under sentence of transportation, any two justices may, if they see fit, by order under their hands and seals (*p*) from time to time appoint some person who, with his

Money under the order to be paid to the mother or to a person appointed by the justices.

(*h*) See 8 & 9 Vict. c. 10, s. 8.

(*m*) See 8 & 9 Vict. c. 10, s. 3, and Sch.

(*i*) See 8 & 9 Vict. c. 10, Sch.

(*n*) Id. s. 5.

(*k*) 19 Vict. cc. 8, 10.

(*o*) Id. s. 11.

(*l*) See 31 & 32 Vict. c. 122, s. 41.

(*p*) See 8 & 9 Vict. c. 10, Sch.

own consent, shall have the custody of such bastard child, so long as such bastard child is not chargeable to any parish or union, and any two such justices may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a bastard child shall, so long as such child is not chargeable to any parish or union, be empowered to make application for the recovering of all payments becoming due under the order of the court of petty session as aforesaid, in the same manner as the mother of such bastard child might have done; and the clerk to the justices making any order on the putative father of a bastard child, or appointing any person to have the custody of such child, as hereinbefore provided, shall, as soon as may be, send by post or otherwise a duplicate of such order or appointment, signed by such clerk, to the clerk to the guardians of the union or parish in which the mother of such bastard child resided at the time of making such order or appointment (a): Provided always that no order for the maintenance or support of any such bastard child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the marriage of the mother of such child (b), or after the death of such child.

Time of cessation of order.

Mother punishable for neglect or desertion of her bastard child.

5 Geo. IV.  
c. 83.

VI. Every woman neglecting to maintain her bastard child, being able wholly or in part so to do, whereby such child becomes chargeable to any parish or union, shall be punishable as an idle and disorderly person (c) under the provisions of an Act made and passed in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of the United Kingdom called England;" and every woman so neglecting to maintain her bastard child after having been once before convicted of such offence, and every woman deserting her bastard child, whereby such bastard child becomes chargeable to any parish or union, shall be punishable as a rogue and vagabond under the provisions of the said last-recited Act (d).

Officers of parishes or unions not to receive money under the order, or to interfere in any respect.

VII. It shall not be lawful for any justice of the peace to appoint any officer of any parish or union to have the custody of any bastard child as hereinbefore provided, or for any officer of any parish or union, clerk of justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or as such officer to conduct any application, to make or enforce such order, or in any way to interfere as such officer in causing such application to be made or in procuring evidence in support of such application, under a penalty of forty shillings, to be levied on conviction before any

(a) See 8 & 9 Vict. c. 10, Sch. 11.

(b) See 4 & 5 Will. 4, c. 76, s. 57.

(c) See 5 Geo. 4, c. 83, s. 3.

(d) Id. s. 4.

two justices as penalties and forfeitures under the said first-recited Act: Provided always, that after the death of such mother, or if such mother be incapacitated as aforesaid, so often as any bastard child, for whose maintenance such order of petty sessions has been made, becomes chargeable to any parish or union by the neglect of the putative father to make the payments due under the orders of justices, then and in such case it shall be lawful for any board of guardians of an union or parish, or if there be no such board of guardians for the overseers of any parish or place, to make such application for the enforcement of the order as might have been made by the mother of such bastard child, if alive (*e*); but all payments for the maintenance of such child made in pursuance of such application shall be made to some person to be from time to time appointed by the justices as hereinbefore provided (*f*), and on condition that such bastard child shall cease to be chargeable to such parish or union.

Proceedings against putative father in case of death or incapacity of mother.

VIII. If any officer of a union, parish, or place, endeavour to induce any person to contract a marriage by threat or promise respecting any application to be made or any order to be enforced with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanor: and every person having the custody of any bastard child under any order of justices as hereinbefore provided (*f*), who may misapply monies paid by the putative father for the support of such child, or may withhold proper nourishment from such child, or otherwise abuse and maltreat such child, shall, on conviction before any two justices forfeit and pay a sum not exceeding ten pounds.

Penalties for promoting marriage of a mother of a bastard improperly misapplying monies, or maltreating a bastard child.

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X. "And whereas various unions established under the authority of the said recited Act are situate partly in one county, riding, or division, and partly in an adjoining county, riding, or division: And whereas doubts have been entertained whether any justice of the peace acting under two commissions for different counties, ridings, or divisions, can legally make orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such unions as are situate within the limits of the other of such commissions: And whereas it is expedient to remove all such doubts with regard to orders which have before the passing of this Act been made under such circumstances:" Be it therefore enacted, that all orders in bastardy which have been made by any justices of the peace acting as such under two commissions for any two adjoining counties, ridings, or divisions, shall, although not made within the county, riding, or division in which the parish interested in the order or any part thereof, is situate, be as valid, good, and effectual in the law, to all

Orders made by justices acting in two adjoining counties to be valid, although not made in the county in which the parish is situate.

(*e*) See 5 & 6 Vict. c. 57, s. 17.

(*f*) See sect. 5.

intentions and purposes, as if they had been made within such county, riding, or division.

Clerks to justices annually to make a return of summonses, orders, &c. to the clerks of the peace.

XI. Every clerk to the justices shall, once in each year, (that is to say,) as soon as may be after the first day of January, make up in the form in the Schedule (A.) annexed to this Act, and forward to the clerk of the peace, a complete list of summonses issued, applications heard, and orders made as aforesaid since the first day of January of the year preceding, by the justices to whom he acts as clerk, and every clerk of the peace shall receive such lists, and shall, on demand of the clerk to the justices, acknowledge under his hand the receipt of any such list, and shall preserve the said lists (a), \* \* \* and it shall be lawful for the justices of the peace, at their respective general quarter sessions of the peace, to make and settle a fee or fees to be paid to every such clerk to the justices for every such list; and on production by any such clerk to the justices of the acknowledgment by the clerk of the peace of the receipt of such list the treasurer of the county shall pay the fee so made and settled and due in respect of any such list, out of the county stock in the hands of such treasurer.

Commissioners to prescribe the duties of poor apprentices, and masters neglecting to fulfil them, liable to penalty.

XII. The poor law commissioners may, by order under their hands and seal, prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which such children may be so bound as apprentices; and every master of such apprentice who wilfully refuses or neglects to perform any of such terms or conditions so inserted in any such indenture shall be liable, upon conviction thereof before any two justices, to forfeit any sum not exceeding twenty pounds; and after the first day of October next no poor child shall be bound apprentice by the overseers of any parish included in any such union or subject to a board of guardians under the provisions of the first-recited Act, but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the indentures of apprenticeship shall be executed by the said guardians, and shall not need to be allowed, assented to, or executed by any justice or justices of the peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause all apprentices so bound or assigned by them to be registered by their clerk according to the form prescribed by the statute of the forty-second year of the reign of King George the Third, relating to the registration of parish apprentices (b), so far as the same may be applicable to such binding or assignment (c): Provided always, that nothing herein contained shall directly or indirectly interfere

Guardians to bind poor children apprentices instead of overseers.

(a) See 21 & 22 Vict. c. 67, s. 4.

(c) See 3 & 4 Will. 4, c. 63; 4 & 5

(b) See 42 Geo. 3, c. 46; and 14 Vict. c. 11, s. 3.

Will. 4, c. 35; 4 & 5 Will. 4, c. 76, s. 61; and 14 & 15 Vict. c. 11.

with the provisions of any Act of parliament relating to apprentices to be bound to the sea service (*d*).

XIII. After the passing of this Act so much of an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled "An Act for the Relief of the Poor," and so much of an Act passed in the session held in the eighth and ninth years of the reign of King William the Third, intituled "An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom," or of any other Act of parliament, whether general or local, as compels any person to receive any poor child as an apprentice, shall be and is hereby repealed (*e*).

XIV. "And whereas by the said first-recited Act it is provided, that in every case of an election of guardians (*f*) under the said Act, or whenever the consent of owners of property or rate-payers in any parish or union may be required for any of the purposes of the said Act, the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number and proportion of votes respectively as is provided for inhabitants and other persons in and by an Act made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, intituled 'An Act for the Regulation of Parish Vestries,' and in and by an Act to amend the same, made and passed in the fifty-ninth year of His said late Majesty; and the rate-payers under two hundred pounds shall each have a single vote; and the rate-payers rated at two hundred pounds or more, but under four hundred pounds shall each have two votes; and the rate-payers rated at four hundred pounds or more shall each have three votes: And whereas it is expedient that the number and proportion of votes of owners of property and of rate-payers respectively should be assimilated:" Be it enacted that so much of the said Act as is above recited relating to the number and proportion of votes of owners of property and of rate-payers respectively shall be and the same is hereby repealed; and that in all cases in which by the said Act or by any Act amending or extending the same (*g*), owners of property and rate-payers are entitled to vote, every owner of property and rate-payer shall have respectively the same number and

Compulsory apprenticeship abolished.  
Repeal of 43 Eliz. c. 2; 8 & 9 Will. III. c. 3.

Repeal of so much of 4 & 5 Will. IV. c. 76, as relates to number of votes of owners and rate-payers.

58 Geo. III. c. 69.

Owners of property and rate-payers to vote

(*d*) See 17 & 18 Vict. c. 104, ss. 141-144; and 4 & 5 Will. 4, c. 76, s. 67.  
(*e*) See 3 & 4 Will. 4, c. 63; 4 & 5 Will. 4, c. 35; 4 & 5 Will. 4, c. 76, s. 61; and 14 & 15 Vict. c. 11.  
(*f*) 4 & 5 Will. 4, c. 76, s. 40.  
(*g*) See 5 & 6 Vict. c. 69, s. 3; 1 & 2 Vict. c. 25, s. 2; 4 & 5 Vict. c. 38, s. 6; 5 & 6 Vict. c. 18, s. 5.

#### SETTLEMENT—APPRENTICES.

Regulations of the poor law commissioners as to apprenticeship, issued to a parish in 1845, were held to be merely directory, and the omission to comply with them would not affect the validity of the indenture: *Reg. v. St. Mary Magdalen, Bermondsey*, 2 E. & B. 809; 23 L. J. M. C. 1; 18 J. P. 21; 22 L. T. 96. *Decisions on sect. 12.*

according to  
the scale  
herein set  
forth.

proportion of votes, according to the scale following; (that is to say,) if the property in respect of which he is entitled to vote be rated upon a rateable value of less than fifty pounds, he shall have one vote; if such rateable value amount to fifty pounds and be less than one hundred pounds, he shall have two votes; if it amount to one hundred pounds and be less than one hundred and fifty pounds, he shall have three votes; if it amount to one hundred and fifty pounds and be less than two hundred pounds, he shall have four votes; if it amount to two hundred pounds and be less than two hundred and fifty-pounds, he shall have five votes; and if it amount to or exceed two hundred and fifty pounds, he shall have six votes.

Regulations  
as to votes of  
owners and of  
proxies.

XV. No owner of property shall be entitled to vote as such, under the provisions of the said recited Act, either in person or proxy (*a*) during the year following the twenty-fifth day of March in any year, unless before the first day of February next preceding such twenty-fifth day of March he had given to the overseers the statement required by the said Act (*b*), signed by him, nor unless such statement contain a description of the nature of the interest or estate he may have in such property, and a statement of the amount of all rent service (if any) which he may receive or pay in respect thereof, and of the persons from whom he may receive or to whom he may pay such rent service; and no person shall be entitled to vote as proxy until fourteen days after he have made his claim so to vote in the manner required by the said Act; and no person shall be entitled to vote as proxy for more than four owners of property in any one parish (except he be a steward, bailiff, or land agent, or collector of rents for the owners of property for whom he may be appointed to vote); and no appointment of proxy shall remain in force for a longer period than two years from the making thereof, excepting only in the case in which an owner appoints his tenant, bailiff, steward, land agent, or collector of rents to be his proxy, in which case such appointment shall remain in force so long as the proxy may continue to be such tenant, bailiff, steward, land agent, or collector, and while such appointment remains unrevoked; and the overseers of every parish containing a population exceeding two thousand persons, according to the last enumeration of the population published by the authority of parliament, shall, on or before the fifth day of the month of February in every year, enter in the book to be from time to time provided for the purpose (*b*), the names and addresses of all persons who before the first day of the said month of February have given such statement or made such claims as owners or proxies as aforesaid; and such overseers shall allow any person to peruse such book, without payment of any fee, at all reasonable hours between the said fifth day and the tenth day of February; and any person who has given such statement or made such claim, or any rate-payer of such parish,

(*a*) See 30 & 31 Vict. c. 106, s. 5.

(*b*) See 4 & 5 Will. 4, c. 76, s. 40; and 30 & 31 Vict. c. 106, ss. 7, 8.

may, on or before the fifteenth day of the said month of February, object to any other person as not being entitled to vote as such owner, by delivering to the clerk of the board of guardians of the said parish, or of the union in which it may be comprised, and at the address of the person objected to, notice in writing of the grounds of such objection; and on or before the twentieth day of such month of February such clerk shall send to the overseers of such parish notice of some day, between the twenty-fourth of the said month and the first of March then next, on which he or some person duly appointed for the purpose will hear evidence in relation to such objections, and of the place within the parish or union at which he or such other person will attend to hear such evidence; and such overseers shall forthwith cause a copy of such notice to be fixed on or near the doors of all churches or chapels within such parish, and at all the usual places of affixing notices of parochial business; and such clerk shall attend on the day and at the place so appointed, and shall, in the presence of all persons who may think fit to be present, hear any matter adduced in support of such grounds of objection, or in opposition thereto, but none other; and the overseers of the said parish shall then and there attend, and produce to such clerk the rate books of the parish for the whole year preceding, and shall answer all such questions as such clerk may put to them or any of them touching the matter of any such objection; and such clerk shall retain in the said book the name of all persons to whom no objection has been duly made, and of all persons objected to, unless the party objecting have appeared in support of his objection, and established such objection, and when the name of any person has been duly objected to, such clerk shall require proof of the right of such person to vote as owner; and in case any matter be adduced in support of the objection, and the right of the person objected to be not proved to the satisfaction of such clerk he shall expunge the name of such person from such book; and such clerk shall have power to adjourn from time to time, and administer an oath to the overseers of any parish, and to all persons attending before him claiming a right to vote as owners or objecting to such right, and to all witnesses who may be tendered or examined on either side; and such clerk shall write his initials against every name struck out, and sign his name to every page of the said book; and the persons whose names as owners are retained by such clerk in such book shall be the only persons entitled to vote in such parish as owners of property for the year following the twenty-fifth of March next ensuing: Provided always, that the said commissioners may, if they see fit, by order under their hands and seal, direct the guardians of such parish or union to appoint some person other than the clerk to such guardians, as a paid officer, to hear and decide the matter of such objections as aforesaid, who shall have all such powers as are hereinbefore

given to the clerk, and perform all such duties as are hereinbefore imposed on the clerk in that behalf: \* \* \*

So much of 4 & 5 Will. IV. as relates to not voting only to extend to poor's rates.

XVI. "And whereas by the said first-recited Act it is provided that no person shall be deemed a ratepayer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of that Act, unless he shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such ratepayer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within six months immediately preceding such voting or acting" (a); Be it enacted, that such parochial rates and assessments shall be deemed to extend only to rates made for the relief of the poor (b).

Annual election of guardians to take place within forty days after 25th of March.

XVII. "And whereas in the said first-recited Act it is provided, that guardians of the poor elected under the provisions of that Act shall go out of office, and guardians for the ensuing year shall be chosen within fourteen days next after the twenty-fifth day of March in every year: And whereas such period hath been found to be too short, and it is expedient to extend the same;" Be it therefore enacted, that the period within which the annual election of guardians shall take place shall be extended to the period of forty days next after the said twenty-fifth day of March (c), and that the guardians of the preceding year shall continue in office for the said period of forty days, or until the election of guardians for the succeeding year have taken place.

Number of guardians may be altered with reference to population, &c.

XVIII. It shall be lawful for the said commissioners, having due regard to the relative population or circumstances of any parish included in a union, to alter the number of guardians to be elected for such parish, without such consent as is required by the said first-recited Act (d).

Parishes may be divided into wards.

XIX. In every case in which a parish in which guardians are to be elected under the provisions of the said first-recited Act (e) contains more than twenty thousand persons, according to the enumeration of the population then last published by authority of parliament, it shall be lawful for the said commissioners, by order under their hands and seal, for the purpose of conducting the election of guardians, to divide such parish into such and so many wards as they may deem expedient, so that no such ward shall contain a number of rated houses less than four hundred, and to determine the number of guardians to be elected for every such ward, having due regard to the value of the rateable property therein; and each such ward shall, for the purpose of every election of guardians, so far as the said commissioners may direct, be considered as a separate parish.

(a) See 4 & 5 Will. 4, c. 76, s. 40.

(d) See 4 & 5 Will. 4, c. 76, s. 41.

(b) See 30 & 31 Vict. c. 106, s. 11.

(e) Id.

(c) See 14 & 15 Vict. c. 105, s. 2.

XX. In every case in which a parish is divided into wards for the purpose of electing guardians, every person qualified to be elected as a guardian in the parish shall be qualified to be elected in any ward within the same parish; but no person shall at any election of guardians be elected for more than one ward within the same parish; and if at any such election a person be nominated in two or more wards, the returning officer at such election shall, if such person reside within the parish, give such person notice thereof in writing, to be left at his place of residence on the day following the last day fixed for the nomination of candidates, and such person, whether he reside in the parish or not, may at any time, until two days preceding the issuing of the voting papers, elect by notice in writing delivered to the returning officer any one ward for which he will stand an election; and if he do not so elect some one ward the returning officer shall place his name on the list of candidates for that ward only for which he was first duly nominated.

Qualifications  
of guardians  
in wards.

\* \* \* \* \*

XXII. After the passing of this Act it shall not be lawful to appoint separate overseers for any township or village or other place for which before the passing of this Act separate overseers had not been lawfully appointed (*f*).

Restriction as  
to separate  
overseers for  
townships.

XXIII. And it is hereby declared and enacted, that in all cases in which overseers have for the first time been separately appointed for any township or village since the fourteenth day of August in the year of our Lord one thousand eight hundred and thirty-four all orders of the poor law commissioners determining the number of guardians, or *ascertaining the averages of any such township or village* (*g*), or of any portion of the parish from which such township or village had been separated, shall be and be deemed to be good and valid in law, notwithstanding such separate appointment of overseers.

Orders of  
poor law com-  
missioners  
valid, notwith-  
standing sepa-  
rate appoint-  
ment of  
overseers.

XXIV. When any union has been formed under the provisions of the said first-recited Act (*h*) or where the said commissioners have under the provisions of the said Act directed that the laws for the relief of the poor of any single parish shall be administered by a board of guardians (*i*), every justice of the peace acting for the county, riding, or division in which such union or parish, or any part thereof, is situated, and residing in any extra-parochial place the boundary line of which, or the greater part of the boundary line of which, is included within or coincident with the boundary line of such union or parish, shall be *ex officio* a guardian of such union or parish (*k*); and every justice of the peace residing in any parish within such a union, and acting for any county, riding, or division in which any part

Justices who  
reside in extra-  
parochial  
places or  
parishes  
within unions  
to be *ex officio*  
guardians.

(*f*) See 43 Eliz. c. 2, s. 1; 14 Car. 2, c. 12, s. 21; and 59 Geo. 3, c. 95.

(*h*) See 4 & 5 Will. 4, c. 76, s. 26.

(*i*) See *ib.* s. 39.

(*k*) See *ib.* s. 38.

(*g*) See 28 & 29 Vict. c. 79, s. 1.

of such union is situated, shall be *ex officio* a guardian of such union.

Relief of married women in certain cases to be subject to the same conditions as if they were widows.

XXV. So long as it may appear that the husband of any woman is beyond the seas, or in custody of the law, or in confinement in a licensed house or asylum as a lunatic or idiot, all relief given to such woman, or to her child or children (b), shall, notwithstanding her coverture, be given to such woman in the same manner and subject to the same conditions as if she was a widow; but nothing herein contained shall diminish or affect the obligations or liabilities of such husband in respect of such relief.

Relief to widows in certain cases.

XXVI. In the case of any person being a widow having a legitimate child dependent on her for support, and no illegitimate child born after the commencement of her widowhood, and who at the time of her husband's death was resident with him in some place other than the parish of her legal settlement, and not situated in any union in which such parish is comprised, it shall be lawful for the guardians of such parish or union, if they see fit, to grant relief to such widow, although not residing in such parish or union: Provided always, that, notwithstanding any thing herein contained, the guardians of any union or parish, and the overseers of any parish, in which such widow may be resident or may require relief, shall be and remain liable to relieve such widow in the same manner as any other person requiring relief in such union or parish (c).

Proviso.

Expences incurred for insane paupers may be levied off their estates.

XXVII. If it be made to appear to any two justices that any insane person, lunatic, or idiot chargeable to any parish hath an estate more than sufficient to maintain his family, they shall by order under their hands and seals direct the overseers of the parish to which such person is chargeable (d) to seize so much of any money, to seize and sell so much of any goods and chattels, or to receive so much of the rent of the lands or tenements of such person *who*\* is proved to such justices to be necessary to pay any charges incurred in providing for the removal, maintenance, clothing, medicine, and care of such person (e), and if any trustee or other person having the possession, custody, or charge of any property of an insane person, lunatic, or idiot, or if the governor and company of the Bank of England, or any other person or persons, having in his or their hands any stock, interest, dividend, or annuity due to any such insane person, lunatic, or idiot, pay any money to any overseer or to any guardians of the poor to defray the charges incurred by any parish in the removal, maintenance, clothing, medicine, or care of such insane person, lunatic, or idiot, the receipt of such overseer or of the clerk

\*(*Sic*.)

(b) See sect. 56.

(c) See 9 & 10 Vict. c. 66, s. 2; 11 & 12 Vict. c. 110, s. 3.

(d) See 28 & 29 Vict. c. 79, s. 1.

(e) See 3 & 4 Vict. c. 54, s. 2;

12 & 13 Vict. c. 103, s. 16; 13 & 14 Vict. c. 101, s. 5; and 16 & 17 Vict.

c. 70, s. 120, and c. 97, ss. 94, 104.

of such guardians shall be a good discharge to such trustee or other person aforesaid.

XXVIII. The guardians of every parish or union appointed under any local Act, and their officers appointed to act in the relief of the poor, and their clerks, shall, from and after the passing of this Act, have the like powers and shall be liable to perform the same duties with respect to insane persons as are provided in the case of guardians appointed under the provisions of the said first-recited Act, their relieving officers and their clerks respectively (*f*).

Guardians under local Acts to have powers with respect to insane poor.

XXIX. The guardians of any parish or union constituted by the said commissioners shall apply all money raised or borrowed for the purpose of defraying the expences of emigration in such parish or in any parish within such union, subject to the conditions and restrictions imposed by the said first-recited Act (*g*).

Guardians to apply money raised for emigration.

(*f*) See 5 & 6 Vict. c. 57, s. 6; and 12 & 13 Vict. c. 103, s. 20; 13 & 14 Vict. c. 97. Vict. c. 101, s. 4; 24 & 25 Vict.

(*g*) See 4 & 5 Will. 4, c. 76, s. 62; c. 55, s. 9; and 29 & 30 Vict. c. 113, ss. 1, 5; s. 9.

#### PROPERTY OF LUNATIC—FUTURE MAINTENANCE OF LUNATIC.

By a report of the former commissioners in lunacy, it appeared that the property of a lunatic consisted of a freehold cottage and three roods of land of the annual value of 4*l.*, and a reversionary interest in an estate of freehold and copyhold lands of the annual value of 260*l.* The lunatic had resided with his father, and after the death of his father, with a younger brother, and such younger brother being unable to maintain him any longer, the lunatic was removed to the union workhouse. The petition of the committee of the person and estate of the lunatic set out these facts, and stated that the lunatic had incurred a debt of 6*l.* 13*s.* 8*d.* for maintenance in the workhouse, and prayed a reference so as to take an account of what was due to the younger brother for the maintenance of the lunatic, and also what was due to the union to the date of the petition, and for a reference whether it would be fit and proper and for the benefit of the lunatic that his reversionary interest, or any part of it, should be sold for the purpose of discharging the sums which might be found due, and for the future maintenance of the lunatic. Lord Truro, C., thereupon ordered a reference to ascertain whether there was any sum due to the brother of the lunatic and to the union, and whether it would be fit and proper that any sum which might be found due should be raised, and also whether a fund for the maintenance of the lunatic should be raised out of the reversionary interest by sale or otherwise. His lordship added, that he thought it very inexpedient that where a lunatic has property, he should be suffered to remain in a workhouse: In re *Burbidge*, 3 M. & G. 1; S. P. In re *Gibson*, 7 Ch. 52.

*Decisions on sect. 27.*

#### ORDER IN FAVOUR OF GUARDIANS UNDER TRUSTEES RELIEF ACT.

In this case an order was made on a petition presented by the guardians of the poor of the Brentford union under the Trustees Relief Act, 10 & 11 Vict. c. 96, for payment to them, out of a fund paid into court by trustees in which a lunatic was interested, of sums expended by the guardians in support of the lunatic: Lord Truro, C., held that by the Trustees Relief Act the court was placed in the position of the trustees, and that the trustees might have made the payment under the 7 & 8 Vict. c. 101, s. 27: In re *Upfull's Trust*, 3 M. & G. 281.

Cost of  
obtaining site  
of workhouses  
in the metro-  
politan police  
district, &c.

XXX. In addition to the principal sum or sums of money which guardians are empowered by the said first-recited Act to raise or borrow for the purpose of purchasing hiring, building, enlarging, or altering workhouses or buildings to be converted into workhouses, the guardians of any parish or union any part of which is situated within the metropolitan police district, or the city of London, or the select vestry of the parish of Liverpool, may, with the consent of the poor law commissioners, also raise or borrow and charge the future poor rates of such parish or union with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required as the site of such workhouse, or of any additions to any such workhouse (*g*).

Burials of  
paupers.

XXXI. It shall be lawful for guardians, or where there are no guardians for the overseers, to bury the body of any poor person which may be within their parish or union respectively (*h*), and to charge the expence thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be (*i*); and unless the guardians, in compliance with the desire expressed by such person in his lifetime, or by any of his relations, or for any other cause, direct the body of such poor person to be buried in the churchyard or burial ground of the parish to which such person has been chargeable (which they are hereby authorized to do), every dead body which the guardians or any of their officers duly authorized shall direct to be buried at the expence of the poor rates shall (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise desired), be buried in the churchyard or other consecrated burial ground in or belonging to the parish, division of parish, chapelry, or place in which the death may have occurred (*k*); and in all cases of burial under the direction of the guardians or overseers as aforesaid, the fee or fees payable by the custom of the place in which the burial may take place, or under the provisions of any Act of parliament, shall be paid out of the poor rates, for the burial of each such body, to the person or persons who by such custom or under such Act may be entitled to receive any fee (*l*): Provided always, that it shall not be lawful for any officer connected with the relief of the poor to receive any money for the burial of the body of any poor person which may be within the parish, division of parish, chapelry, or place

(*g*) See 4 & 5 Will. 4, c. 76, ss. 23, s. 120; 18 & 19 Vict. c. 79, s. 1; 24; 5 & 6 Will. 4, c. 69; 14 & 15 and 18 & 19 Vict. c. 105, ss. 11, 12. Vict. c. 105, s. 7; 30 Vict. c. 6, (*k*) See 13 & 14 Vict. c. 101, s. 2; 17 & 18 Vict. c. 87, s. 7; and 20 & 21 Vict. c. 81, s. 6.

(*h*) See 48 Geo. 3, c. 75 (as to dead bodies cast on shore).

(*i*) See sect. 56; and 11 & 12 Vict. 25 & 26 Vict. c. 43, s. 1; 29 & 30 c. 110, ss. 2, 3; and 12 & 13 Vict. Vict. c. 90, s. 27; and 31 & 32 Vict. c. 103, s. 17; 16 & 17 Vict. c. 97, c. 122, s. 13.

in which the death may have occurred, or to act as undertaker for personal gain or reward in the burial of any such body, or to receive any money from any dissecting school or school of anatomy (*m*), or hospital, or from any person or persons to whom any such body may be delivered, or to derive any personal emolument whatever for or in respect of the burial or disposal of any such body, and any such officer offending as aforesaid shall, on conviction thereof before any two justices, forfeit and pay a sum not exceeding five pounds.

(*m*) See 2 & 3 Will. 4, c. 75, s. 7.

#### BURIAL.

Overseers are not bound to bury the body of a pauper lying in the parish, but not in a parochial house, although such pauper was a married woman whose husband is settled in the parish and receiving relief: *Reg. v. Stewart*, 12 A. & E. 773; 4 P. & D. 349; S. C. *Reg. v. Stennett*, 10 L. J. M. C. 40. *Decisions on sect. 31.*

Every person dying in England, and not within certain ecclesiastical prohibitions, is entitled to Christian burial; and where no such prohibition attaches, *semble*, every householder in whose house a dead body lies is bound by the common law to inter the body decently; and upon this principle, where a body lies in the house of a parish or union, the parish or union must provide for the interment: *Ib.*

#### BURIAL FEES.

A parent is not bound to accept relief on loan to enable him to provide for the burial of the body of his deceased child: *Reg. v. Vann*, 21 L. J. M. C. 39.

The minister of a district church brought an action of debt against the master of a workhouse to recover fees alleged to be due on the burial of the bodies of certain paupers; and it was held that such fees could be due only by immemorial custom or by some Act of parliament; that no such custom was stated in the case, and the court found that the fees claimed were not due by statute: *Spry v. Gallop*, 16 M. & W. 716; 16 L. J. Exch. 218.

Where, from 1724 to 1801, visitation fees of the unvarying amount of 7s. 6d. and 4s. 6d. were uniformly received by an archdeaconry court, and from 1801 to 1857, fees of a varying amount, but always in excess of 7s. 6d. and 4s. 6d., were received, it was held, in an action by the registrar to recover certain visitation fees, that on the principle that where there has been a long modern user of a right capable of a legal origin, the existence of that legal origin should be presumed; unless the contrary be proved, the modern usage for 130 years to take the fees in question, raised the presumption which ought to be made, that visitatorial fees of that amount were immemorial, and that other facts leading to the inference that the amounts had been, previous to 1727, varying and lower in amount, were not sufficient to satisfy the onus cast upon those who seek to upset so long an enjoyment by showing the origin to be by usurpation: *Shephard v. Payne*, 12 C. B. (N. S.) 414; 10 Jur. (N. S.) 540; affirmed in error, 16 C. B. (N. S.) 132.

As bearing upon the right to burial fees payable by the custom of the parish; from 1808, for more than 50 years, on every marriage in the parish church of H., a fee of 15s. had been paid (*viz.* 10s. to the rector and 3s. to the clerk) uniformly, except that in a few instances the fee paid was slightly larger, and in one instance less. There was no evidence as to the usage before 1808. A special case, stating these facts, from which the court was to draw all inferences of fact, raised the question, whether it was proved that this or any fee was legally due to the rector on every such marriage: Held, *per* Cockburn, C. J., Mellor and Lush, JJ., that no fee was legally

Commissioners  
may combine  
parishes and  
unions into  
districts for  
audit of  
accounts.

Their powers  
and duties.

XXXII. It shall be lawful for the said commissioners from time to time, by order under their hands and seal, to combine the parishes and unions in England and Wales into districts for the audit of accounts, and from time to time to add any parish or union to any such district, or separate any parish or union therefrom (*a*); \* \* \* and the said commissioners shall have all the powers with regard to the salaries of the said auditors to be charged on the poor rates, and to all other matters relating to auditors for such districts, as they have under the said first-recited Act with regard to paid officers (*b*); and every auditor appointed for such a district shall have full powers to examine, audit, allow, or disallow of accounts, and of items therein (*c*), relating to monies assessed for and applicable to the relief of the poor of all parishes and unions within his district, and to all other money applicable to such relief (*d*); and such auditor shall charge (*e*) in every account audited by him the amount of any deficiency or loss incurred by the negligence or misconduct of any person accounting, or of any sum for which any such person is accountable, but not brought by him into account against such person, and shall certify (*f*) on the face of every account audited by him any money, books, deeds, papers, goods or chattels, found by him to be due from any person (*g*); and when any such auditor has so certified any money, books, deeds, papers, goods or chattels, to be due

(*a*) See 31 & 32 Vict. c. 122, s. 24.

(*b*) See 4 & 5 Will. 4, c. 76, s. 46; 11 & 12 Vict. c. 91, s. 10; 12 & 13 Vict. c. 103, s. 8.

(*c*) See 5 & 6 Vict. c. 18, s. 8; Ib. c. 109, s. 17; 11 & 12 Vict. c. 91, s. 6; 13 Vict. c. 20, s. 2.

(*d*) As to other duties of the auditor, see 5 & 6 Vict. c. 18, s. 8; 7 & 8 Vict. c. 101, s. 49; 8 & 9 Vict. c. 110, s. 4; 13 & 14 Vict. c. 101,

s. 10; 14 & 15 Vict. c. 34, s. 13;

15 & 16 Vict. c. 81, s. 33; 18 & 19 Vict. c. 70, s. 12; 21 & 22 Vict. c. 98, s. 60; 29 & 30 Vict. c. 113,

ss. 6, 7; 31 & 32 Vict. c. 109, s. 3; 33 & 34 Vict. c. 75, s. 60.

(*e*) See 11 & 12 Vict. c. 91, s. 8.

(*f*) See 11 & 12 Vict. c. 91, s. 5.

(*g*) See 24 & 25 Vict. c. 55, s. 11; 31 & 32 Vict. c. 109, s. 3; and 33 Vict. c. 2, s. 6.

#### BURIAL FEES—continued.

Decisions on  
sect. 31.

due, on the ground that, looking to the comparative value of money now and at the time of Richard the First, it was impossible to believe that such a fee could in fact have been exacted and submitted to at that time; and therefore that the customary payment now claimed could not be legally immemorial, the principle on which a *modus* is held bad for rankness being strictly analogous to this case; but *per* Blackburn, J., that the fee claimed was legally due on the ground that the evidence of the usage raised a presumption on which a jury would be warranted in finding that the fee was taken before the time of legal memory, and that the amount of the fee though it was some evidence against that presumption, yet was not sufficient to rebut it; that the principle on which a *modus* has been held bad from rankness is an anomalous exception to the general rule; that (as a jurymen) he found that the usage was immemorial and the fee ancient; and that, as a matter of law, the court must make every presumption in favour of the fee if it could have a legal origin: *Bryant v. Foot*, 36 L. J. Q. B. 65; 16 L. T. (N. S.) 55; 2 L. R. Q. B. 161.

from any person, he shall forthwith report the same to the said commissioners; and the person from whom any money is so certified to be due shall within seven days pay or cause to be paid such money to the treasurer of the guardians of the union or parish, if there be any such treasurer (*h*); and in the case of a union such money shall be applied by the guardians to the use of all or any of the parishes included in such union, according as all or any of such parishes may be interested in the sum so paid; and all books, deeds, papers, goods and chattels, and in the case where there is no treasurer as aforesaid all monies so certified to be due, shall be delivered over or paid, within seven days of the same being certified, to the person or persons authorized to receive the same; and if any such money, books, deeds, papers, goods, or chattels, be not duly paid or delivered over as hereinbefore directed, the said auditor, or any auditor subsequently appointed, shall proceed, as soon as may be, to enforce the payment or delivering over of the same (*i*); and all monies so certified to be due by such auditor shall be recoverable as so certified from all or any of the persons making or authorizing the illegal payment, or otherwise answerable for such monies, and shall be recovered on the application of such auditor, or of any such auditor subsequently appointed, or by any person for the time being entitled or authorized to receive the same, in the same manner as penalties and forfeitures may be recovered under the provisions of the said first-recited Act (*k*); and the expences attending such proceeding or recovery shall (except so far as the same may be paid (*l*) by the person against whom the proceedings have been taken) be repaid to such auditor by the guardians of the parish or union, or by the district board of the district to which the proceedings may respectively relate, and shall be charged in their accounts in such manner and in such proportions as the said commissioners may direct (*m*); and if any person from whom any such books, deeds, papers, goods or chattels, may be due neglect or refuse to deliver over the same to the person for the time being entitled or authorized to receive the same, the person so neglecting or refusing shall be liable, on the complaint of any such auditor for the time being (*n*), or of the person entitled or authorized to receive the same, to the penalties and proceedings provided in the case of overseers refusing or neglecting to pay and deliver over to their successors any sum or sums of money, goods, chattels, and other things, in their hands (*o*); and any churchwarden, surveyor of the highways, overseer, or other officer of

(*h*) See 11 & 12 Vict. c. 91, s. 5.

c. 44, s. 5; 12 & 13 Vict. c. 103,

(*i*) See 11 & 12 Vict. c. 43, s. 11; and 12 & 13 Vict. c. 103, s. 9.

s. 9.

(*l*) See 12 & 13 Vict. c. 103, s. 10.

(*k*) See 4 & Will. 4, c. 76, ss. 99,

(*m*) See sect. 59.

101; 11 & 12 Vict. c. 91, ss. 5, 9; 12

(*n*) See 12 & 13 Vict. c. 103, s. 9.

& 13 Vict. c. 103, s. 10. See also

(*o*) See 17 Geo. 2, c. 38, s. 2;

2 & 3 Vict. c. 71, s. 44; 11 & 12

50 Geo. 3, c. 49.

Vict. c. 43, s. 11; 11 & 12 Vict.

a parish or union, who shall wilfully authorize or make an illegal or fraudulent payment from the church rate (*a*), highway rate, or other public fund of a parish or union, or shall unlawfully make any entry in his accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the poor rate, or disallowed or surcharged in the accounts of any parish or union by such auditor, shall, upon conviction thereof before any two justices, forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount of such payment or of the sum so entered in his accounts (*b*).

(*a*) See 31 & 32 Vict. c. 109.

(*b*) As to district board accounts, see sect. 49, *post*.

#### AUDIT DISTRICT.

*Decisions on  
sect. 32.*

Directors of the poor under a local Act, though they had accounted to their own auditor under their Act, were nevertheless not thereby exempted from accounting to the union auditor under 4 & 5 Will. 4, c. 76, s. 47. They must account for all money collected in name of poor rate however it may be applied: *Reg. v. St. Andrew-Holborn-above-Bars and St. George-the-Martyr*, 6 Q. B. 78; 8 Jur. 688.

The poor law commissioners had power, under 7 & 8 Vict. c. 101, s. 32, to include the city of Bristol, which is under a local Act, in an audit district: *Reg. v. Bristol*, 18 L. J. M. C. 132; 14 J. P. 353.

#### AUTHORITY OF AUDITOR.

Overseers are indictable for refusing to account, within the time limited, for money they have received for relief of the poor: *Rex v. Commings*, 5 Mod. 179; 3 Salk. 187; 1 Keb. 983.

Where overseers produce their accounts to the auditor, but refuse to furnish particulars, *mandamus* will not lie to compel them, as the auditor has it in his power to disallow the charges of which particulars are not furnished: *Reg. v. Halifax*, 10 L. J. M. C. 81.

In the case of a parish under a local Act in an audit district, it was held that the auditor had authority, under 4 & 5 Will. 4, c. 76, s. 47, and 7 & 8 Vict. c. 101, s. 32, to disallow and surcharge, and that his decision was final unless reversed on appeal: *Reg. v. Tyrokhitt*, 2 E. & B. 77; 17 J. P. 678; 21 L. T. 113; 17 Jur. 893.

*Per Crompton, J.*—With reference to county rate expenditure: “Items which ought to have been borne by the ratepayers of one year might be thrown upon the ratepayers of another. That is a sufficient ground for making this rule absolute.” “Passing accounts is a judicial act; those who do so ought to examine and allow or disallow according to law:” *Reg. v. Saunders*, 3 E. & B. 778.

The guardians applied part of the funds in their possession belonging to all the parishes in the union to restore money belonging to certain parishes in the union which had been embezzled by one of their officers, and then debited the whole of the parishes in the union with the loss under the head of “common charges.” This proceeding the auditor did not allow, and it was held, that he was right in disallowing the charge of the loss to the common fund; for if he had allowed it to be so charged, the effect would have been that the loss which originally fell upon a few parishes only would have been thrown upon the whole of the parishes in the union. *Semble*, where a poor law auditor disallows an item in the accounts, and directs it

AUTHORITY OF AUDITOR—*continued.*

to be expunged, he is not bound to alter the balance with his own hand; *Decisions on*  
nor is he bound to state what is to be done with, or who else is to be debited *sect. 32.*  
with, the disallowed item: *Reg. v. City of London Union*, 26 J. P. 295.

Blackburn, J.—It is an important part of auditing the accounts to see not only that the gross amount is correct, but that the right proportion is charged to each parish; it is plain from stat. 7 & 8 Vict. c. 101, s. 32, that the legislature contemplated that the auditor should have this jurisdiction: *Reg. v. Calthrop*, 4 B. & S. 228.

An auditor acting under the 7 & 8 Vict. c. 101, s. 32, has power to surcharge an overseer for any deficiency that may, on the face of the documents submitted to him, appear to have arisen through the negligence or misconduct of the overseer, and the court will not interfere with the auditor's surcharge, where on the face of the documents submitted to him there is evidence from which he might reasonably have concluded that there had been misconduct or negligence on the part of the overseer: *Reg. v. Knott*, 15 L. T. (N. S.) 291; 1 W. N. 368.

## FINALITY OF AUDIT.

In strictness there may be great difficulty in saying that the magistrate can review the decision of the auditor, but here the auditor did not take the proper steps to bring the matter before the magistrates; per Lord Campbell, C. J.: *Reg. v. Brecknockshire JJ.*, 7 E. & B. 951; 29 L. T. 126; 21 J. P. 356.

A lunatic pauper was sent by the parish of C. to a lunatic asylum in 1854, and her maintenance was charged to the parish of C. for six years, when C. discovered she had been irremovable since 1854, and so ought to have been charged to the union fund. The parish, at the next audit, claimed to have the accumulated charge for five years then standing in the union ledger against the parish disallowed: Held, the auditor was right in refusing to re-open the account, for he had no power to open up accounts previously audited: *Reg. v. Chiddingstone*, 6 L. T. (N. S.) 44; 31 L. J. M. C. 121; 26 J. P. 246; 2 B. & S. 294.

## ENFORCEMENT OF AUDITOR'S CERTIFICATE.

A warrant of distress against an overseer for not paying his balance in hand must distinctly set out the summons, the hearing before the magistrate, and the refusal to pay; if it do not, it is bad: *Harris v. Stuart*, 7 C. & B. 779.

The Court of Queen's Bench refused to make absolute a rule calling upon justices to show cause why they should not issue their warrant for a sum of money placed to the debit of overseers in their accounts, and certified as correct by the auditor, in a case in which there was an appeal to the poor law board: *Reg. v. Denbigh JJ.*, 33 L. T. 145.

Where a relieving officer is surcharged by an auditor, and application is made to justices to issue a distress warrant, if the statutable proof of the surcharge be complete, the justices have no power to inquire into the grounds of the surcharge, but must issue their warrant. If they refuse, the court will compel them by a rule or a *mandamus*: *Reg. v. Linford*, 7 E. & B. 950; 21 J. P. 435.

At an audit of the accounts of a poor law union, the auditor disallowed a sum of money charged by the guardians for certain expenses, and surcharged three of the guardians who had authorized payment of the money. Those guardians refused to pay, but did not appeal against the disallowance. The auditor summoned them before a justice, and proved so much as is required by s. 9 of 11 & 12 Vict. c. 91. The justice dismissed the summons; and thereupon the court made a rule absolute to compel him to issue a distress warrant against the goods of the three guardians: *Reg. v.*

ENFORCEMENT OF AUDITOR'S CERTIFICATE—*continued.*

*Decisions on  
sect. 32.*

*Finnis*, 33 L. T. 146; 5 Jur. (N. S.) 971; 1 E. & E. 935; 28 L. J. (N. S.) M. C. 201.

An overseer is discharged by his bankruptcy and certificate, from a debt due in respect of a sum of money in his hands as overseer at the time of his bankruptcy, although this happen before the expiration of his year of office, before which time he could not be compelled to account: *Rex v. Tucker*, 5 M. & S. 508.

A poor law auditor, on the 14th of April, 1868, certified, under s. 32 of 7 & 8 Vict. c. 101, that a sum of money was due from J., an overseer of the poor. J. did not pay over the money within seven days, and proceedings were taken, under s. 99 of 4 & 5 Will. 4, c. 76, to recover the money so certified to be due. At the hearing before the justices, on the 18th of May, J. set up as a defence that he had been discharged, on the 11th of May, by the Court of Bankruptcy, on an adjudication dated the 4th of January: Held, that the debt being extinguished by the bankruptcy, the justices had no jurisdiction under the 99th section to order that J. should be committed to the gaol or house of correction: *Reg. v. Master*, 38 L. J. M. C. 73; 10 B. & S. 42; L. R. 4 Q. B. 285; S. C. *Reg. v. Martin*, 19 L. T. (N. S.) 733.

*Semble*, that the non-payment of the money certified to be due created a debt, and was not an "offence" in respect of which the power of commitment was given by the said section: *Id.*

## LEGALITY OF EXPENDITURE.

A rate cannot be made to repay money borrowed to repair and rebuild a workhouse: *Rex v. Wavell*, Doug. 116.

In a case relating to an appeal against overseers' accounts, where the overseers had charged for their own and their companions' eating and drinking at an inn, Aston, J., said, "the churchwardens and overseers are to be allowed only for their bare expenses:" *Rex v. Earl of Ashburnham*, 2 Nol. P. L., 4th ed., p. 466.

The application of any part of a fund raised for the relief of the poor to the payment of the bill of costs of an action brought against an officer of the guardians, for a libel upon him in respect of acts done by him in the execution of his duties, is a breach of trust on the part of the holder of that fund, and an information lies to compel the restitution of the money: *Attorney General v. Compton*, 1 Yo. & Coll. 418 (V. C. Bruce).

An action was brought against parish officers, and substantial damages and costs recovered against them, for an act which the court were of opinion they were justified in doing, and such damages and costs having been paid out of the poor rates, the court dismissed, but without costs, an information against them, seeking to charge the parish officers personally with the damages and costs: *Attorney General v. Pearson*, 10 Jur. 651; 2 Coll. 581.

The court quashed the allowance of an item in the overseers' accounts, being for the expenses of defending an appeal against their accounts, such an item being bad on the face of it, inasmuch as no supposable facts could justify it: *Rex v. Johnson*, 5 A. & E. 340.

Where overseers have made a rate which is appealed against, they are not in all events entitled to charge the costs of the appeal to the parish, for though they cannot abandon a rate so as to determine its existence, they need not incur expense in contesting an appeal if the rate be indefensible: *Reg. v. Fouch*, 2 Q. B. 308; 11 L. J. M. C. 1.

Although rates are not to be made retrospectively, yet when overseers, by reason of a balance in hand of an old rate, or the getting in of an uncollected rate on which a particular debt is chargeable, are enabled to defer the

## LEGALITY OF EXPENDITURE—continued.

making of a new rate, such debt may be properly paid out of the new rate; *Decisions on* and this applies peculiarly to the expenses of litigation: *Reg. v. Read*, *sect. 32*. 18 L. J. M. C. 164.

The previous sanction of a vestry is not necessary to authorize the overseers proceeding with an appeal against a poor rate; and if it be not alleged that they acted *malâ fide* or improvidently, either in contesting the appeal or abandoning the case subsequently, the auditor cannot lawfully disallow the costs they incur: *Reg. v. Street*, 22 L. J. M. C. 29; 18 Q. B. 682; 16 Jur. 1085.

It is for the auditor to find whether there has been an excess of expenditure for any particular purpose lawful in itself otherwise: *Ex parte Spotland*, 2 L. T. (N. S.) 214; 24 J. P. 323.

A rule was moved for to the treasurers of the parish of St. Paul, Shadwell, to show cause why a *mandamus* should not issue commanding them to sign and pay a cheque for 150*l*. The applicant was clerk to the trustees, and vestry clerk, and had had a great deal of extra work and trouble in certain heavy litigation with the London Dock Company, in consideration of which the trustees had passed a resolution giving him 150*l*. as a gratuity. This the treasurers refused to acquiesce in, and therefore the court were applied to for a rule. The court, however, said that this was clearly a gratuity, and there was no power to give gratuities out of the rates: *Ex parte Mellish*, 8 L. T. (N. S.) 47.

## LIABILITY FOR CHEQUE DRAWN FOR AN ILLEGAL PURPOSE.

In the case of a joint stock trading company, all the directors who were present at a meeting of the board which sanctioned cheques being drawn for an illegal purpose were held liable, jointly and severally, to refund the amount of the payment thus sanctioned. It is the duty of a director to learn how the money which is voted at a board when he is present is intended to be applied: *Land Credit Company of Ireland (Limited) v. Lord Fermoy*, 20 L. T. (N. S.) 293.

## LIABILITY FOR ACTS OF CO-OVERSEER.

The overseers of W. were accustomed to divide the duty of collecting the rates, each doing so for half a year. A. and B. were appointed overseers, and A. having discharged his own half year's duty, offered B. to do and did the other likewise. He afterwards delivered in the annual overseers' account to the vestry, making no distinction between the half years. It being urged that both overseers should sign the account, B., after some objection, subscribed with A. a declaration that they believed it to be correct; but on passing the account at special sessions, B. refused to swear to its accuracy, saying that he knew nothing of it, except having examined the vouchers, and it was passed on the oath of A. only. A balance remaining unpaid to the parish, it was held, that the signature of B. was not an adoption of his colleague's acts during the half year, and therefore that a distress could not issue against B. Per Tenterden, C. J.—It may be laid down generally that, where there are two overseers, the one is not answerable for the malversation of the other: *Rex v. Essex JJ.*, 3 B. & Ad. 941.

An overseer is not liable for the default of his co-overseer; the court therefore quashed a surcharge made by an auditor on account of such a default, and directed that the costs of the appellant should be paid out of the parish funds: *Reg. v. Jeffery and Blanchard*, 23 J. P. 277.

## EMBEZZLEMENT.

Where an assistant overseer received certain sums from the poor rates and duly entered them as received, but instead of paying them into the

Rate books,  
&c. to be made  
up seven days  
before the  
audit day.

Notice of time  
and place of  
audit.

Inspection of  
books.

XXXIII. Seven clear days at least before the day fixed for the audit of accounts the overseers or other officers employed in any parish in carrying the laws for the relief of the poor into execution, and every collector or assistant overseer acting for such parish, shall cause their rate books and other accounts to be made up and balanced; and the books so made up shall forthwith be deposited at the house within the parish of some one of such overseers or other officers, or of such collector or assistant overseer, or at some other house within the parish; and notice shall forthwith be affixed at the usual place or places of giving parish notices, stating the time and place of audit, as notified by the auditor, and the place where the books are deposited; and such books shall on each of such days be open between the hours of eleven and three, for the inspection of every person liable to be rated to the relief of the poor (*a*); and such auditor shall give or send by post or otherwise to the said overseers or other officers fourteen days' notice of the said audit (*b*); but it shall not be necessary for the auditor to give or send separate notices to each of such overseers or other officers, and it shall be sufficient if it be proved that any one of them had notice; and if any such overseer or other officer, collector, or assistant overseer neglect to make up such account, or alter such account, or allow it to be altered when so made up, or refuse to allow such inspection thereof, he shall be liable, on conviction thereof, to forfeit forty shillings; and if any such overseer or other officer, collector or assistant overseer, refuse or wilfully neglect to affix such notice of audit, and of the time and place for the inspection of such accounts, as above provided, he shall be liable, on conviction thereof, to forfeit forty shillings; and it shall be lawful for every ratepayer in any parish or union to be present at the audit of the accounts relating to such parish or union, and to make any objection to any such accounts before such auditor; and it shall be lawful for any such auditor to require any person holding or accountable for any money, books, deeds, papers, goods or chattels, relating to the poor's rate or the relief of the poor, to produce to such auditor his accounts and vouchers, and to make or sign a declaration with respect to such accounts (*c*); and so often as such person neglects or refuses to attend, either at the

(*a*) See 17 Geo. 2, c. 38, s. 13; (*b*) See 11 & 12 Vict. c. 91, ss. 7, 8.  
6 & 7 Will. 4, c. 96, s. 5. (*c*) See 4 & 5 Will. 4, c. 76, s. 47.

#### EMBEZZLEMENT—continued.

*Decisions on  
sect. 32.*

bankers, as he told the overseers he had done, he fraudulently appropriated the money to his own use, and obtained from the overseers receipts on the faith of his statement, in order to deceive the poor law auditor, it was held, that he was guilty of embezzlement, notwithstanding that he had charged himself in his book with the receipt of the money; *Reg. v. Guelder*, 30 L. J. M. C. 34.

audit or any adjournment thereof, when so required by such auditor, or to produce to him such accounts or vouchers, or any of them, or to make or sign a declaration with respect to his accounts, if thereunto required by such auditor, he shall be liable for every such refusal or neglect to forfeit forty shillings, to be recovered as penalties and forfeitures under the said first-recited Act (d), or if he wilfully make or sign a false declaration in respect of such accounts he shall be liable to the penalties of perjury.

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XXXV. If any person aggrieved by any allowance, disallowance, or surcharge by any such auditor require such auditor to state the reasons for the said allowance, disallowance, or surcharge, the auditor shall state such reasons in writing in the book of account in which the allowance, disallowance, or surcharge may be made; and it shall be lawful for every person aggrieved by such allowance, and for every person aggrieved by such disallowance or surcharge, if such last-mentioned person have first paid or delivered over to any person authorized to receive the same all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of *certiorari* to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of *certiorari* for the removal of orders of justices of the peace (e), except that the condition of such recognizance shall be, to prosecute such *certiorari*, at the costs and charges of such person, without any wilful or affected delay, and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges to be taxed according to the course of the said court, and except that the notice of the intended application, which shall contain a statement of the matter complained of shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge so im-

*Certiorari* for  
auditors  
allowances or  
disallowances.

(d) See 12 & 13 Vict. c. 103, s. 11.

(e) See 5 Geo. 2, c. 19, s. 2; and 13 Geo. 2, c. 18, s. 5.

#### INSPECTION OF ACCOUNTS.

A rated inhabitant had a right to inspect the accounts of the expenditure of the parish moneys kept by the guardians of the poor, under 22 Geo. 3, *sect.* 33. *Decision on*  
c. 83; and the court granted a *mandamus* to the guardians, commanding  
to allow such inspection: *Rex v. Great Faringdon*, 9 B. & C. 541.

#### MEANING OF "AT LEAST."

In reckoning seven clear days "at least," in a statute, the time must be reckoned excluding both the day of the act, and that of the event:  
*Reg. v. Shropshire JJ.*, 8 A. & E. 173; 1 Lumley P. L. Ca. 296.

peached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary; and on the removal of such allowance disallowance, or surcharge the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged to be paid to the party entitled thereto by the party who ought to repay or discharge the same; and they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such *certiorari* to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

Persons  
aggrieved may  
apply to  
commissioners,  
who may issue  
orders there-  
upon.

XXXVI. Provided always, that it shall be lawful for any person aggrieved as aforesaid by any allowance, disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of *certiorari*, to apply to the said commissioners to inquire into and to decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said commissioners to issue such order therein, under their hands and seal, as they may deem requisite for determining the question (*a*).

(*a*) See 11 & 12 Vict. c. 91, s. 4; and 29 & 30 Vict. c. 113, s. 5.

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#### CERTIORARI.

*Decisions on  
sect. 35.*

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Law costs incurred by parish officers in legal proceedings which were unnecessary and improper, though sanctioned by the vestry of the parish, were allowed by the auditor, and the court quashed the allowance on a rule under 7 & 8 Vict. c. 101, s. 35; but without costs to the prosecutors, and refused to reimburse the auditor the costs of defending his allowance: *Reg. v. Great Western Railway Company*, 18 L. J. M. C. 145; 13 Q. B. 327; 13 J. P. 198.

The right of a person aggrieved to apply, under 7 & 8 Vict. c. 101, s. 35, for a writ of *certiorari* to remove the allowance or disallowance by a poor law auditor of an attorney's bill, is, by operation of sect. 39 of that statute, confined to cases in which the bill has been taxed by the clerk of the peace before it is presented to the auditor; if not so taxed, the decision of the auditor as to the reasonableness as well as the legality of the charges in the bill cannot be questioned: *Reg. v. Napton*, 25 L. J. Q. B. 296; S. C. *Reg. v. Hunt*, 6 E. & B. 408.

In removing by *certiorari* an allowance of accounts by a poor law auditor, a notice signed by the attorney on behalf of the inhabitants of the parish is sufficient, and it need not be stated to be on behalf of the overseers: *Reg. v. Chiddingstone*, 7 Jur. (N. S.) 125; 25 J. P. 118.

#### RECOVERY OF CERTIFIED SUM PENDING APPEAL.

*Decision on  
sect. 36.*

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The court refused to make absolute a rule calling upon justices to show cause why they should not issue their warrant for a sum of money placed to the debit of the overseers in their accounts, and certified as correct by the auditor, in a case in which there was an appeal pending before the poor law board: *Reg. v. Denbigh JJ.*, 33 L. T. 145.

XXXVII. In every district for which an auditor may be appointed under the provisions of this Act the powers of justices of the peace and of all other persons to examine, audit, allow, or disallow accounts shall, so far as relates to any accounts which such auditor is authorized to examine and audit, cease, and the same are hereby repealed: (b) \* \* \* (c).

Cessation of powers of justices to audit.

XXXVIII. So much of the said first-recited Act as provides that accounts shall be made and rendered not less frequently than once in every quarter shall be and is hereby repealed; and such account shall be made and rendered at such times and as often as the said commissioners may direct, but not less often than once in every half-year (d).

Accounts may be rendered half-yearly.

XXXIX. On application of any overseer, or of any board of guardians, or of any attorney at law, it shall be the duty of the clerk of the peace of the county or place, or his deputy, if thereunto required, to tax any bill due to any solicitor or attorney in respect of business performed on behalf of any parish or union situate wholly or in part within such county or place (e); and the allowance of any sum on such taxation shall be *prima facie* evidence of the reasonableness of the amount, but not of the legality of the charge; and the clerk of the peace shall be allowed for such taxation after the rate to be fixed from time to time by the master of the crown office, and declared by an order of the said commissioners; (f) and if any such bill be not taxed before it is presented to the auditor, the auditor's decision on the reasonableness as well as the legality of the charges shall be final.

Taxation and allowance of law bills.

XL. It shall be lawful for the said commissioners, as and when they may see fit, by order under their hands and seal, to combine unions, or parishes not in union, or such parishes and unions, into school districts, for the management of any class

Parishes and unions may, within certain limits, be com-

(b) See 17 Geo. 2, c. 38, s. 1.

6 & 7 Vict. c. 73, s. 37; and 11 &

(c) The rest of this section is

12 Vict. c. 31, s. 8.

spent.

(d) See 4 & 5 Will. 4, c. 76, s. 47.

(f) See Glen's Poor Law Orders, 7th ed., p. 459.

(e) See 11 & 12 Vict. c. 91, s. 2;

#### TAXATION OF BILLS OF COSTS.

The ratepayers not being persons liable to pay within the meaning of the 6 & 7 Vict. c. 73, s. 38 (Attorney and Solicitors' Act), cannot apply for a reference of an attorney's bill to taxation: In re *Barber*, 14 M. & W. 726.

Decisions on sect. 39.

Under the 7 & 8 Vict. c. 101, s. 39, an attorney's bill for agency business is taxable: *Smith v. Dimes*, 4 Exch. Rep. 32.

The right of a person aggrieved to apply under s. 35 of 7 & 8 Vict. c. 101, for *certiorari* to remove the allowance or disallowance by the auditor of an attorney's bill, is, by operation of sect. 39, confined to cases in which the bill has been taxed by the clerk of the peace before it is presented to the auditor; if it be not so taxed, the decision of the auditor on the unreasonableness as well as the legality of the charges in the bill is final: *Reg. v. Hunt*, 6 E. & B. 408; 2 Jur. (N. S.) 1138; *S. C. Reg. v. Napton*, 25 L. J. Q. B. 296; 20 J. P. 581; 27 L. T. 124.

bined into  
school dis-  
tricts.

or classes of infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting to the placing of such children in the school of such district; but the said commissioners shall not include in any such district any parish any part of which would be more than fifteen miles from any other part of such district: (a) \* \* \* (b).

Districts for  
providing  
asylums for  
houseless poor  
may be formed  
in the towns  
specified in  
Schedule (B.)

XLI. "And whereas it is expedient that more effectual means should be provided for the temporary relief of poor persons found destitute and without lodging within the district of the metropolitan police, or the city of London, and the city, towns, and boroughs named in the Schedule annexed to this Act, and for avoiding the introduction of infectious disease, by the reception of such poor persons into the workhouses established for the ordinary relief of the poor within such districts and places;" Be it enacted, that it shall be lawful for the said commissioners, as and when they may see fit, by order under their hands and seal, to declare so many parishes or unions, or parishes and unions, any part of which may be within the district of the metropolitan police, or the city of London, or within the limits respectively of the city, towns, or boroughs named in the Schedule marked (B.) annexed to this Act, as such limits are described in an Act passed in the third year of the reign of King William the Fourth, "to settle and describe the Division of Counties, and the limits of Cities and Boroughs, in England and Wales, so far as respects the Election of Members to serve in Parliament," to be combined into districts for the purpose of providing and managing asylums for the temporary relief and setting to work therein of destitute houseless poor who are not charged with any offence, and who may apply for relief, or become chargeable to the poor's rates within any such parish or union (c).

Constitution  
of the district  
boards for  
schools and  
asylums.

XLII. A board shall be constituted for every district formed under this Act for the maintenance of a school or of an asylum (d); and every district board so constituted shall respectively consist of members to be elected from amongst the persons rated within the district to the relief of the poor; and the said commissioners shall fix the qualification of such members, such qualification to consist in being rated within the district to the relief of the poor, but not so as to require a qualification exceeding the net annual value (e) of forty pounds; and such members shall be elected at such periods, not exceeding three years, and in such proportions and in such manner, as the said commissioners may from time to time direct, by the guardians of every parish or union governed by a board of guardians under the provisions of the said first-recited Act or

(a) See 11 & 12 Vict. c. 82, s. 1; and 31 & 32 Vict. c. 122, s. 10.

(b) The proviso to this section is repealed by 30 & 31 Vict. c. 106, s. 16.

(c) See 14 & 15 Vict. c. 105, ss. 14, 15.

(d) See 11 & 12 Vict. c. 82, s. 2.

(e) See 30 & 31 Vict. c. 106, s. 4; and 32 & 33 Vict. c. 67, s. 45.

of any local Act, and if there be no such guardians then by the overseers of a parish not governed by such guardians; and the chairman of every board of guardians constituted under the provisions of the said first-recited Act shall, if he consent thereto, be *ex officio* a member of any district board constituted under the provisions of this Act.

XLIII. Every such district board shall have such of the powers of guardians for the relief and management of the poor within any school or asylum, and for the appointment, payment, and control of paid officers, as the said commissioners may direct; and the legal and reasonable orders of such district board shall be obeyed and obedience thereto enforced in the same manner and by the same remedies and penalties as the legal and reasonable orders of guardians (*f*), and it shall be lawful for the said commissioners, [*with the consent in writing of a majority of any district board (g),*] to direct such district board to purchase or hire or build, and to fit up and furnish, a building or buildings, of such size and description, and according to such plan, and in such manner as the said commissioners may deem most proper, for the purpose of being used or rendered suitable for the relief and management of the poor to be received into such school or asylum; and the said commissioners may, with the like consent, alter the district for which such district board was originally constituted, by adding thereto or taking therefrom any parish or parishes, union or unions, as aforesaid; and the said commissioners shall have the same powers for regulating the proceedings of any district board or of any committee thereof, and for directing and regulating the appointment, duties, remuneration, and removal of paid officers to be appointed by any district board, as they have with respect to the proceedings of boards of guardians, or with respect to paid officers to be appointed by any board of guardians (*h*); and every such board for a school district shall appoint, with the consent of the bishop of the diocese, at least one chaplain of the Established Church as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the control of such district board; and it shall be lawful for the said commissioners to issue rules and regulations for the government of any such school or asylum, and the inmates thereof, as if such school or asylum were a workhouse (*i*); and any orders or regulations of the said commissioners made in pursuance of this Act shall be enforced in the same manner and by the same penalties as if the same were an order or regulation made in pursuance of the said first-recited Act (*k*): Provided always, that no rules, orders, or regulations of the said commissioners, nor any regulations made

Powers and duties of district boards.

(*f*) See 4 & 5 Will. 4, c. 76, s. 95.

(*h*) See 4 & 5 Will. 4, c. 76,

(*g*) These words in italics are ss. 46, 48.

repealed by 30 & 31 Vict. c. 106, (*i*) Id. sect. 42.

s. 16.

(*k*) Id. sects. 98, 99.

by such district board, shall oblige any inmate of any such school or asylum to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or surviving parent may object, or, in the case of an orphan or deserted child, to which his next of kin may object (*i*): Provided also, that it shall be lawful at all reasonable times of the day, according to rules and regulations to be made for this purpose by the said board, for any minister (*k*) of the religious persuasion professed by an adult inmate, or of the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, may desire such child to be instructed, to visit the school or asylum, at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion (*l*): Provided also, that it shall be lawful at all times for any inspector of schools appointed by Her Majesty in council to visit such schools, and to examine into the proficiency of the scholars therein.

Powers of district board for purchasing and hire of land, &c.

XLIV. For the purpose of providing a building for such school or asylum it shall be lawful for such district board, subject to the order of the said commissioners, to exercise the powers given to boards of guardians by the said first-recited Act (*m*) or any other Act or Acts (*n*) for the purchase and hire of lands and buildings, and to borrow, in like manner as is provided in the said first-recited Act or in any other Act or Acts, such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing such building or buildings as aforesaid, and to charge the future poor rates of the parishes or unions, or parishes and unions, so combined as aforesaid, with the payment of such sum or sums of money, and interest thereon (*o*): Provided always, that the consent of any rate-payers or owners of property of any parish shall not be necessary to any sale, exchange, lease, or other disposal by guardians or overseers to or with any such district board of any work-house, tenement, building, or land (*p*): Provided also, that the principal sum or sums to be raised for the purpose of providing any such building or buildings as aforesaid, and charged on any union, or on any parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any

Sums to be raised for providing schools or asylums not to exceed one-fifth part of the average annual rates.

(*i*) See 4 & 5 Will. 4, c. 76, s. 19.

(*k*) Id. sect. 74.

(*l*) See sect. 19.

(*m*) Id. sects. 23, 24; 20 & 21 Vict.

c. 13, s. 1; and 29 & 30 Vict. c. 113, s. 8.

(*n*) See 5 & 6 Will. 4, c. 69, s. 1;

5 & 6 Vict. c. 18, s. 1.

(*o*) See 31 & 32 Vict. c. 122,

s. 35.

(*p*) See 5 & 6 Will. 4, c. 69, s. 3.

such union, or of the like expenditure within any such parish, for three years ending the twenty-fifth day of March next preceding the raising of such money (*q*): Provided also, that the principal sum or sums required for the purpose of providing any such building or buildings shall, if the same be borrowed, be repaid with all interest thereon, within a period not exceeding twenty years.

XLV. Every such district board shall be enabled to accept, take, and hold, on behalf of the district for which they act, any lands, buildings, goods, effects, or other property (*r*), as a corporation, and in all cases to sue and be sued as a corporation, by the name of the board of management of the district school or asylum, as the case may be.

XLVI. Every district board for the management of any school or asylum shall from time to time call on the parishes and unions included in such district for such contributions as they may deem requisite for the purposes of this Act; and notice in writing of the amount of such contributions, purporting to be signed by the clerk or other officer of such district board, in any form prescribed by the said commissioners, shall, fourteen days at least before such contribution becomes due, be forwarded, by post or otherwise, to the clerk to the board of guardians of any union, and to two at least of the overseers or other officers authorized to make and levy rates for the relief of the poor in every parish from whom such contributions or any part thereof will become due; and if such contributions are not duly paid to the treasurer of such district board, such district board shall, in addition to any other remedy which now is or hereafter may be given to any persons against any board of guardians, have the like remedy for recovery of the same from the overseers or other officers authorized to make and levy the rates for relief of the poor of the several parishes, whether comprised in an union or otherwise, and which may form part of the district for which such district board may act, as are given to guardians for the recovery from overseers of the contributions of parishes (*s*); and in case of any addition or separation of parishes or unions (*t*) the said commissioners shall ascertain the proportionate value of property and amount of obligations of every parish or union affected by the change, and shall fix the amount to be received or paid, or secured to be paid, by every such parish or union (*u*).

XLVII. *The expences incurred by any district board in the purchase or hire of any building or buildings to be used as a school, or in erecting, repairing, adding to, or fitting up any building, and in the purchase of utensils and materials for the employment of the inmates of such school, or of books and other*

District board to hold property of the district as a corporation.

Payment of contributions to district boards.

Distribution of charges for schools.

(*q*) See 11 & 12 Vict. c. 82, s. 1; 13 & 14 Vict. c. 101, s. 3; 14 & 15 Vict. c. 105, s. 16.

(*r*) See 14 & 15 Vict. c. 105, s. 17.

(*s*) See 2 & 3 Vict. c. 84, s. 1.

(*t*) See 4 & 5 Will. 4, c. 76, s. 32.

(*u*) See 32 & 33 Vict. c. 63, s. 2.

*objects and things necessary for the instruction of such inmates, and the salaries of the officers and servants of the establishment, and all other expences incurred on the common account of the parishes or unions, or parishes and unions, so united for the management of any class of infant poor, or incidental to the discharge of the duties of such district board, shall be paid by such unions in the proportion of the averages last declared for every such union, and by such parishes in the proportion of the average expenditure of every such parish for the like period and purposes as those to which the declared averages of such unions shall relate ; and the said commissioners shall from time to time, by order under their hands and seal, ascertain and declare the proportion and rates of contribution in the above respects of every such parish and union (a) : And all other expences incurred in the relief of the children under the management of such district board shall be separately charged by such district board to the parish or union from which each such child may be sent.*

Distribution of  
charges for  
asylums.

XLVIII. The expences incurred by every such district board in the purchase or hire of any building or buildings, or in erecting, repairing, adding to, or fitting up any building as an asylum, and in the purchase of utensils and materials for the employment of such asylum, and other objects and things necessary for the relief of such inmates, and the salaries of the officers and servants of the establishment, and all other expences incurred by such district board in the relief of the poor, or in the management of such asylum, or incidental to the discharge of the duties of such district board, shall be charged by such district board upon the parishes or unions, or parishes and unions, comprised in such district, in proportion to the annual value of messuages, lands, tenements, and hereditaments upon which such parishes and the parishes combined in such unions are respectively assessed to the county or borough rate, or other rate in the nature of a county or borough rate ; and where any parish or place comprised in such district does not contribute in respect of the whole thereof to any county or borough rate, the said expences shall be paid by such parish or place in proportion to the net annual value of all the property therein assessed to the rates for the relief of the poor ; and any information necessary for the distribution of such charge shall be furnished, on demand of such district board or of the said commissioners, by every parish officer, and by every clerk of the peace, town clerk, or other like officer of any county, city, town, or borough, or other place raising rates in the nature of county or borough rates.

Appointment  
of auditors for  
district boards.

XLIX. The poor law commissioners shall appoint some person, being at the time the auditor of some parish or union situated within the district for which any district board for any school or asylum may be appointed (b), who shall be

(a) The first part of this section was repealed by 13 & 14 Vict. c. 11, s. 1. As regards the metropolis, see 30 Vict. c. 6, s. 47.

(b) See sect. 32.

the auditor of such district, and shall be empowered and required to audit the accounts of each district board, and of the officers of such district board (*c*); and the salary of every such auditor of a district shall be paid by the district board thereof; and the said commissioner shall have the same powers for regulating the duties and remuneration of such auditors as they have with respect to paid officers appointed by any board of guardians (*d*); and it shall be lawful for the said commissioners, as they may see fit, to remove any auditor of such district, and in case of vacancy to appoint another person as aforesaid to the office; and every district board constituted under this Act, and every officer of such district board, shall, twice in the year at least, at such time and in such manner and form as may be prescribed by the poor law commissioners account to the auditor appointed as aforesaid (*e*); and such auditor shall have all the powers of allowing and disallowing any charges in such accounts as are or may hereafter be given to auditors under the provisions of the said first-recited Act or any other Act for the audit of accounts relating to rates for the relief of the poor; and all sums disallowed or reduced, or charged as balances against any person by such auditor, shall be recovered on the application of such auditor (which application he is hereby empowered to make), in the same way as penalties and forfeitures under the said first-recited Act, from the person making or authorizing such illegal payment (*f*), and within thirty days of such audit each district board shall cause to be printed, and shall forward by post or otherwise to each board of guardians, and to the officers of every parish within their district, an abstract of the accounts of their district, so audited, in such form as the poor law commissioners may direct.

L. Every guardian of every union or parish included in any such district formed for the maintenance of an asylum shall at all reasonable times be entitled to enter the asylum of such district, and inspect any part thereof, and enter his remarks thereon in a book to be kept for that purpose. Guardians may visit and inspect asylums.

LI. In any case where a parish or union is not combined in a school district, [*and where any part of such parish or union is not more than twenty miles from a district school (g)*], the board of guardians of such parish or union may, with the consent of the board of such district, send to such district school any infant poor not above the age of sixteen years, being chargeable to any such parish or union, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardians are consenting thereto (*h*); and the costs of the maintenance, employment, and instruction of such infant poor in such district schools shall be paid by such board of Children may be sent to district schools from parishes and unions not combined, but not distant more than twenty miles.

(*c*) See sect. 33, *ante*, and 11 & 12 Vict. c. 91, s. 7.

(*d*) See 4 & 5 Will. 4, c. 76, s. 46.

(*e*) See sect. 32.

(*f*) See 4 & 5 Will. 4, c. 76, s. 99.

(*g*) See 29 & 30 Vict. c. 113, s. 16.

(*h*) See 12 & 13 Vict. c. 103, s. 14; 14 & 15 Vict. c. 105, s. 6.

guardians to such district board, according to such rates and at such times and in such manner as may be agreed upon by the said boards, with the approbation of the said commissioners; and such infant poor while at such district school shall be subject to the control and management of such district board and their officers, in like manner as if the said parish or union were combined in such school district by virtue of this Act (*h*).

Repeal of the  
Acts 7 Geo.  
III. c. 39, and  
2 Geo. III.  
c. 22.

LII. The provisions of the Act passed in the seventh year of the reign of His late Majesty King George the Third, intituled "An Act for the better Regulation of the Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality," and of an Act passed in the second year of the reign of His said late Majesty, intituled "An Act for the keeping regular, uniform, and annual Registers of all Parish poor Infants under a certain Age within the Bills of Mortality," shall be and are hereby repealed.

Class of desti-  
tute poor to be  
relieved in  
such asylum.

LIII. Every district board for the management of any asylum under this Act shall make provision for the temporary relief and setting to work therein of any poor person found destitute within any such district, not professing to be settled in any parish included therein, and not known to have any place of abode there, and not being charged with any offence under the provisions of an Act passed in the fifth year of His late Majesty King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of Great Britain called England," or of any other Act; and subject to any regulations of the said commissioners, every such district board or any committee thereof may direct the mode of admission of such poor persons to the asylum of such district; and it shall be lawful for any constable of the metropolitan police, or of the police of the city of London, or any constable of the police acting under the chief constable of any county, district, or division, or any constable of the city, towns, or boroughs respectively named in the Schedule marked (B.) annexed to this Act, personally to conduct any such poor person found wandering abroad within any district or any asylum established in such district in pursuance of this Act, and such poor person shall, if there be room in such asylum, be temporarily relieved therein; and the sergeant of police or constable conducting such poor person shall sign his name in a column, headed to the following effect, in a book to be kept in such form and manner as the said commissioners may from time to time direct, by some officer of every such asylum, in which shall be entered the alleged names of all poor persons admitted:

5 Geo. IV.  
c. 83.

Mode of ad-  
mission into  
asylum.

"WE, the undersigned constables of the metropolitan police [or of the police of the city of London, or constable, &c., as the case may be], do severally declare, so far as each of us is concerned therein, that we have conducted the poor persons

(whose alleged names are set opposite our respective signatures) to the asylum of            district, the said poor persons having been by us found wandering abroad and apparently destitute, and not having committed or being charged with any offence punishable by law, within our knowledge."

And every such book, purporting to be signed and to be certified at the foot of the page by the officer keeping the same, shall be received in all courts of justice as sufficient evidence of the fact that the poor persons described therein were chargeable to the said district at the time of their admission, and, if not contradicted by other evidence, of such other particulars as are therein duly recorded; and all poor persons admitted into any such asylum shall, if they desire it, be relieved with food and lodging for the night succeeding such admission; but no such poor person shall be detained against his will for any longer space of time than until the ordinary hour of breakfast of the next day succeeding his admission, and four hours afterwards, unless such poor person, since his admission, have become lawfully punishable for misbehaviour within such asylum, in which case it shall be lawful to detain such poor person for a space of time sufficient for such punishment (*i*); but no poor person shall be punished for any offence or misbehaviour in any asylum by confinement for any longer space of time than twenty-four hours, and such longer space of time as may be necessary in order to have such person before a justice of the peace; and if any poor person so admitted as aforesaid shall be disabled by sickness, or shall be unwilling to depart from such asylum, he may receive relief therein, if he consent to remain, and conform to the rules of the house, until the next meeting of the district board or of some committee (which such district board, subject to the rules of the said commissioners, is hereby authorized to appoint), who shall give such directions respecting such poor person as they may deem right, by discharging him from such asylum, with a direction to apply for relief in the district where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical certificate of sickness, it shall not be lawful for the officers of any such asylum to relieve any poor person for a longer period continuously in such asylum than is sufficient to enable his case to be decided by the district board or committee as aforesaid: Provided also, that if any person received into such asylum shall wilfully give a false name, or make a false statement, or shall be proved to have given two or more different names on two or more different occasions, when so received into any such asylum, such person not having lawfully changed her name in consequence of marriage, such person shall be deemed a rogue and vagabond within the meaning of the said Act passed in the fifth year of the reign of His late Majesty King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons,

Regulations  
with respect to  
poor persons  
admitted into  
such asylums.

5 Geo. IV.  
c. 83.

(i) See 34 & 35 Vict. c. 108.

and Rogues and Vagabonds, in that part of the United Kingdom called England."

Liabilities of persons relieved in such asylums.

55 Geo. III. c. 137.

LIV. Every poor person relieved in any asylum under the management of any district board shall be liable to the same obligations in respect of the relief afforded to him as if the same were afforded in any workhouse (a), and shall be subject to the same punishment and penalties as are provided by an Act passed in the fifty-fifth year of the reign of King George the Third, intituled "An Act to prevent Poor Persons in Workhouses from Embezzling certain Property provided for their use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering relief to poor Persons, in certain Cases, for a longer period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor," or under any other Act or Acts, for refusal or neglect to work, in pursuance of any regulations or directions prescribing a task of work, or for wilfully destroying or injuring his own clothes or any property, or for absconding with any clothes or other articles provided by such district board, or for damaging any of the property of such district board, or for any misbehaviour in such asylum, by disobedience of the rules and regulations in force therein, or otherwise, as if he were relieved or set to work in any workhouse under the control of a board of guardians acting under the orders and regulations of the said commissioners in pursuance of the said first-recited Act: Provided always, that nothing in this Act contained shall relieve any guardian, overseer, relieving officer, or master of a workhouse from any obligation now imposed upon him by law with regard to the relief of cases of sudden and urgent necessity, or shall prevent the reception into a workhouse of any person labouring under dangerous illness, or shall authorize the transfer to an asylum of any person received into such workhouse in a case of dangerous illness, unless with the certificate in writing of a medical man, duly licensed to practise, to the effect that such person is then in a fit state to be removed, and stating the manner in which such person, in the opinion of such medical man, may be safely removed.

Penalty for returning after removal.

5 Geo. IV. c. 83.

Workhouse to be deemed to

LV. If any poor person return and become chargeable in the asylum of any district after removal from any parish in such district, he shall be deemed to have returned and become chargeable, without any certificate (b), to the parish whence he has been legally removed by order of two justices of the peace, within the meaning of the said Act made and passed in the fifth year of King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of Great Britain called England."

LVI. For the purposes of relief, settlement, and removal of poor persons, and the burial of the poor, the workhouse of

(a) See 34 & 35 Vict. c. 108.

(b) See 8 & 9 Will. 3, c. 30, s. 1.

any union or parish, and every such district school, shall be considered as situated in the parish to which each poor person respectively to be relieved, removed, or buried, or otherwise concerned in any such purpose, is or has been chargeable (c) : Provided always, that every birth and death within any such workhouse or building shall be registered in the parish or place in which such workhouse or building is locally situated ; and all fees for registering births and deaths in any such workhouse or building shall be charged by the guardians to the parish or union to which the person dying or the mother of the child respectively is chargeable (d).

be situate in every parish of an union, &c.

LVII. If any person be convicted before any justice or justices of any offence committed in any workhouse while maintained therein, or of absconding from any workhouse, and carrying away clothes or other property therefrom, and be liable to be committed for such offence to any gaol or house of correction, it shall be lawful for the justice or justices before whom such person is convicted to commit such person to the common gaol or house of correction of the county or place in which the parish is situated to which such person at the time of the commission of the offence was chargeable (e), notwithstanding that such workhouse may not be situated in such county or place, and notwithstanding that such justices may not be justices of such county or place ; and if such person have not goods or money within such county or place sufficient to bear the charges of himself and those who convey him, then such charges shall

Committal of offenders in workhouses to the gaol of the place to which the offenders belong.

(c) See 54 Geo. 3, c. 170, s. 3 ; Vict. c. 97, s. 95 ; and 28 & 29 Vict. 59 Geo. 3, c. 12, s. 11 ; 4 & 5 c. 79, ss. 1, 10.  
Will. 4, c. 76, s. 44 ; 7 & 8 Vict. (d) See 28 & 29 Vict. c. 79, s. 1.  
c. 101, s. 31 ; 9 & 10 Vict. c. 66, (e) See 11 & 12 Vict. c. 110, s. 9 ;  
s. 7 ; 13 & 14 Vict. c. 101, ss. 2, 14 ; and 28 & 29 Vict. c. 79, s. 1.  
14 & 15 Vict. c. 105, s. 6 ; 16 & 17

#### REGISTRATION FEES.

By a local Act the management of the poor of a parish was vested in trustees, who paid to the registrar of births and deaths, for the district within which their parish was situate, fees for the registration of births and deaths occurring in a workhouse locally situate within their parish, but belonging to another parish, and built by the guardians of that parish for the reception of the poor thereof under a local Act : Held, that under s. 56 of 7 & 8 Vict. c. 105, the last-mentioned guardians were bound to repay to the trustees the amount of fees so paid to the registrar ; and a peremptory writ of *mandamus* was issued to compel them to do so : *Reg. v. St. Luke, Middlesex*, 26 L. T. 214 ; 20 J. P. 51. *Decisions on sect. 56.*

#### CONSTRUCTIVE PLACE OF BIRTH.

The mother, when admitted into the union workhouse, was chargeable to the parish from which she went to the workhouse, within the meaning of the 7 & 8 Vict. c. 101, s. 56 ; and her child born in the workhouse was to be considered as born and settled in that parish by virtue of that section ; and the mother, being absent, the child could be removed alone, although within the age of nurture : *St. Clement Danes*, app., *St. Giles-in-the-Fields*, resp., 26 J. P. 741 ; 7 L. T. (N. S.) 324 ; 32 L. J. M. C. 25 ; 3 B. & S. 143.

27 Geo. II.  
c. 3.

be defrayed at the expence of the county, place, or parish, according to the provisions of an Act passed in the twenty-seventh year of the reign of King George the Second, intituled "An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol; and for allowing the charges of poor Persons bound to give Evidence against Felons:" Provided that in cases of such conviction and committal as aforesaid all further proceedings in respect thereof may be taken; and the costs and charges of such proceedings, and for the maintenance of such offender in such gaol or house of correction, shall be payable in like manner and under the like authority as such proceedings would have been taken, or as such costs and charges would have been payable, in case the offence had been committed within the parish or place to which such offender was chargeable at the time when he committed such offence.

Punishment of  
persons in  
workhouses for  
misconduct.

LVIII. "And whereas by the said Act passed in the fifty-fifth year of the reign of King George the Third (c), it is enacted, that if any person or persons shall desert or run away from any workhouse or workhouses, and carry away with him, her, or them any clothes, linen, or other goods as aforesaid, such person or persons, being thereof lawfully convicted, either by the confession of such party or parties, or by the oath or oaths of one or more credible witness or witnesses, before any justice or justices of the peace, shall by such justice or justices of the peace be forthwith committed to the common gaol or house of correction, there to remain without bail or mainprize for the space of three calendar months; and it is further enacted that in case any person or persons maintained in any public workhouse or workhouses established for the relief, maintenance, and employment of the poor, shall refuse to work at any work, occupation, or employment suited to his, her, or their age, strength, and capacity, or shall be guilty of drunkenness or other misbehaviour, every such person or persons, being thereof lawfully convicted before any justice or justices of the peace, shall thereupon by such justice or justices of the peace be committed to the common gaol or house of correction, there to remain without bail or mainprize for a period of time not exceeding twenty-one days, and during such time to be kept to hard labour: And whereas it is desirable that justices of the peace should have a power to commit such persons as are first mentioned for a period less than three months, and such persons as are last mentioned for a period greater than twenty-one days, in cases of repeated offences (d);" Be it therefore enacted, that it shall be lawful for any justice or justices to commit any such person as is first mentioned to the common gaol or house of correction, to be kept there in the manner provided by the said recited Act for any period not less

(c) See 55 Geo. 3, c. 137, s. 2.

(d) See 13 & 14 Vict. c. 101, s. 9; 14 & 15 Vict. c. 105, s. 8.

than seven days nor greater than three months, and to commit any such persons as are last mentioned, in case such persons have been before convicted of a like offence, to the common gaol or house of correction, in manner provided by the said Act, for any period not exceeding forty-two days (*e*).

LIX. It shall be lawful for any board of guardians or district board to pay out of the funds in their hands the reasonable costs of the apprehension and of the prosecution of any person who, according to the laws in force at the time being, is charged with refusing or neglecting to maintain himself or his family, or with running away and leaving his family chargeable, or whereby such family has become chargeable, or with wilfully neglecting or disobeying the rules, orders, and regulations of the poor law commissioners, or with any offence or misbehaviour in any workhouse, or with deserting or running away from any workhouse, and carrying away clothes, linen, or other goods or things belonging to any workhouse, or given or procured or provided as or for relief, or with neglect or disobedience of the reasonable and lawful orders of justices or guardians, or of any district board, in the administration of the laws relating to the relief of the poor, or with obstructing or assaulting any officer engaged in the administration of the laws for relief of the poor (*f*), or with fraudulently obtaining, stealing, purloining, embezzling, wasting, or injuring, or wilfully misapplying any property applicable to or connected with the relief of the poor, or with any offence directly affecting the administration of the laws for the relief of the poor, and the reasonable costs of apprehending and prosecuting any officer who may have been employed in the administration of the laws for the relief of the poor, for any neglect or breach of any duty of his office, or for any maltreatment or abuse of any poor person (*g*); and, subject to the approval of the said commissioners, every board of guardians or district board shall pay the costs of all legal proceedings taken by any auditor, or under his direction, for the protection of the poor rates or property of any parish, union, or district (*h*), or taken by any other person whom the board of guardians or district board have authorized or directed to institute such prosecution or legal proceedings; and to the extent to which any such costs may not be repaid by the offending or other party, or from the county, liberty, or borough rates, the guardians of any union then may, in any of the cases aforesaid, having due regard to the circumstances of the case, and subject to the approval of the poor law commissioners, charge such expences, either to the common funds of the union, or to any parish or parishes comprised therein; and the district board of any district may, having like regard to the circumstances of the case, and subject to the like approval of the poor law commissioners, charge such expences, either to the

Costs of certain civil and criminal proceedings to be paid out of poor rates.

(*e*) See 13 & 14 Vict. c. 101, s. 8.

(*g*) See 14 & 15 Vict. c. 105, s. 5.

(*f*) See 29 & 30 Vict. c. 113, s. 15.

(*h*) See sects. 32, 35.

funds of the whole of such district, or on any one or more of the unions and parishes comprised therein (a).

Expences of  
jury lists and  
boundaries of  
parishes may  
be paid out of  
poor rates.  
6 Geo. IV.  
c. 50.

LX. The costs, charges, and expences properly incurred by the officers of the parish in making out, preparing, printing, and collecting the lists of persons qualified to serve on juries, according to the provisions of the Act in the sixth year of the reign of His Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws relative to Jurors and Juries," and relating thereto (b), shall be paid and allowed to them out of the poor rates of the parish, together also with all expences properly incurred by the same officers on the perambulation of the parish (c) and in setting up and keeping in proper repair the boundary stones of the parish, provided that such perambulations do not arise more than once in every three years (d).

Collectors  
appointed by  
guardians may  
be appointed  
to perform the  
duties of assis-  
tant overseers.  
2 & 3 Vict.  
c. 84.

LXI. "And whereas by an Act passed in the third year of the reign of Her Majesty Queen Victoria, intituled 'An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor,' it was amongst other things enacted, 'that all orders heretofore made and issued under the hands and seals of the poor law commissioners, and not rescinded by them or quashed before the sixth day of May in the present year, by which the said commissioners may have directed the overseers or guardians of any parish or union to appoint any person to collect the rates for the relief of the poor in any parish or parishes, or shall have defined or specified or directed the execution of the duties of such person, or the places or limits within which the same shall be performed, or shall have directed the mode of appointment or determined the continuance in office or dismissal of any such person from his office, or the amount or nature of the security to be given by any such person, or shall have regulated the amount of salary payable to any such person, or the time or mode or the proportions of payment thereof, shall be deemed and the same are hereby declared to have the same force and validity as if the same had been warranted by an Act passed in the fourth and

(a) See 30 & 31 Vict. c. 84, s. 33.

(d) See 6 Geo. 4, c. 50, s. 8; and

(b) See 33 & 34 Vict. c. 77, s. 4.

13 & 14 Vict. c. 57, s. 7.

(c) See 2 & 3 Vict. c. 62, ss. 34,  
35; and 3 & 4 Vict. c. 15, s. 28.

#### PERAMBULATION OF PARISH.

*Decisions on  
sect. 60.*

Entries in parish books recording the fact that perambulations had taken a particular line, would not be evidence upon an issue traversing the custom to go through a particular house on the perambulations of parish boundaries: *Taylor v. Devey*, 7 A. & E. 409.

*Per* Lord Denman, C. J., the right to perambulate parochial boundaries, to enter private property for that purpose, and to remove obstructions that might prevent this from being done, cannot be disputed. It prevails as a notorious custom in all parts of England, is recorded by all our text writers, and has been confirmed by high judicial sanction: *Taylor v. Devey*, 7 A. & E. 415.

fifth years of the reign of His late Majesty King William the Fourth, intituled 'An Act for the Amendment and better Administration of the Laws for the Relief of the Poor;' and the commissioners shall have the same powers and authorities with respect to all such orders, and to the persons appointed in pursuance thereof, as they have with respect to orders made and issued, and the paid officers appointed, under the provisions of the said Act; and that every person appointed by guardians of the poor under any such order of the said commissioners shall have the like powers, authorities, privileges, immunities, protections, and remedies, in and for the performance of his duty under such order, as are by law given to overseers of the poor in the performance of the like duty' (e); and it is expedient that such collectors should in certain cases be invested with other of the duties of overseers of the poor;" Be it enacted, that the inhabitants in vestry assembled of any parish situated within the district for which any collector or assistant overseer appointed under any order of the said commissioners now acts may appoint such collector or assistant overseer to discharge all the duties of an overseer of the poor, in addition to those of collector of poor rates for such parish, and in the same manner as if he were appointed thereto as an assistant overseer under the provisions of an Act passed in the fifty-ninth year of the reign of His late Majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor (f);" and wherever any such collector or assistant overseer has been or may be appointed under any order of the said commissioners, and whilst the said order remains in force, the powers of any vestry or parish officers, or of any other persons, other than the board of guardians of such parish or union (if a board of guardians have been constituted), to appoint any collector or assistant overseer, and (if so directed by the said commissioners) every appointment under such powers shall cease: Provided always, that where the appointment of such assistant overseer shall have been made under the powers of any local Act of parliament of a parish containing more than twenty thousand persons such appointment shall continue, and the powers of such local Act, as to any future appointment of an assistant overseer, shall be exercised, but subject always to the powers of the poor law commissioners, notwithstanding the provisions of this Act: Provided always, that no overseer shall be discharged by the appointment of any such collector or assistant overseer from his responsibility for the provision and supply of monies necessary for the relief of the poor, or for any of the purposes to which the rates made for the relief of the poor may be by law applicable; and every collector appointed or to be hereafter appointed as aforesaid, and every assistant overseer appointed or hereafter to be appointed, in pursuance of the said Act of the fifty-ninth year

4 &amp; 5 Will. IV. c. 76.

59 Geo. III. c. 12.

(e) See 2 &amp; 3 Vict. c. 84, s. 2.

(f) See 59 Geo. 3, c. 12, s. 7.

of the reign of King George the Third, or of the orders of the said commissioners, shall, subject to the rules of the poor law commissioners, obey, in all matters relating to the duties of overseer, all directions of the majority of the overseers of the parish for which he acts; and the said commissioners shall have the same powers with respect to all collectors or assistant overseers as are given to them by the said first-recited Act with respect to paid officers (*a*); and every collector or assistant overseer appointed as aforesaid shall be bound to give to the board of guardians of the parish or union, or if there be no such board of guardians then to the overseers of the parish for which such collector or assistant overseer may act, sufficient security for the due performance of his duties; and no bond or any other security entered into in pursuance of this Act, or of the said Act of the fifty-ninth year of the reign of King George the Third, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any stamp duty whatsoever (*b*); and wherever any parish for which such collector or assistant overseer may be appointed is situated in an union, or is governed by a board of guardians, every bond or security given by any officer, in pursuance of this Act, or of the said Act of the fifty-ninth year of the reign of King George the Third, or of the said first-recited Act, and not contrary to the rules of the said commissioners, shall, if the guardians shall see fit, be put in suit by the board of guardians of the union in which the parish or district for which the officer acts or has acted may be situated, notwithstanding that such bond or security may have been originally given to the overseers of a parish, or to any other persons (*c*); and every bond or security given by or on account of any officer appointed by any board of guardians, for the due performance of the office to which he is so appointed, shall remain in full force and effect, notwithstanding any change in district for which such officer may have been appointed or required to act at the time when such bond or security was given, or the addition of any parish to or the separation of any parish from such union since the giving of such security (*d*).

(*a*) See 4 & 5 Will. 4, c. 76, ss. 46-48.

(*c*) See 12 & 13 Vict. c. 103, s. 15.

(*d*) See 4 & 5 Will. 4, c. 76, s. 46.

(*b*) See 59 Geo. 3, c. 12, s. 7.

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#### APPOINTMENT OF COLLECTOR AS ASSISTANT OVERSEER.

##### *Decisions on sect. 61.*

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By an order of the poor law commissioners of the 1st of August, 1837, under the 4 & 5 Will. 4, c. 76, the guardians of the poor law union of G. were authorized to appoint collectors of poor rates for the parishes within the union, and to appoint the same person to perform the duties of an assistant overseer. Under this order the guardians appointed H. a collector of rates for the parish of G., and he entered upon and performed the duties of the office. By an order of the 8th of June, 1838, the commissioners authorized the guardians, within one month, to appoint a collector for the parish

APPOINTMENT OF COLLECTOR AS ASSISTANT OVERSEER—*continued.*

of G., and in case of death, resignation, or removal, to make a new appointment, and with a like authority, as to the duties of an assistant overseer. The guardians did not make an appointment under this order, and H. continued to act as collector of the parish of G. By order of the 27th of November and the 27th of December, 1838, the commissioners authorized, within a given date, the appointment by the guardians of an assistant overseer for the parishes within the union, with a like power of appointment in case of death, &c. The guardians did not appoint within the time allowed by these orders, but on the 31st of May, 1842, they appointed F. collector and assistant overseer of the parish of G., who entered upon and discharged the duties of the office down to December, 1849. On the 20th of November, 1849, the guardians appointed H. assistant overseer and collector for the said parish, a minute of such appointment being entered in their minute book. This appointment, unlike the previous ones, was reported to the commissioners, who, on the 15th of December, approved of it, at the yearly salary of 120*l.*, and H. entered upon and discharged the duties of the office. On the 26th of November, 1849, the inhabitants of the parish of G., in vestry, duly elected R. to be assistant overseer of the said parish, under the 59 Geo. 3, c. 2, s. 7, at the yearly salary of 120*l.*; and he entered upon and discharged the duties of the office. Subsequently, the overseers of the said parish paid to R., and the guardians paid to H., a quarter's salary each. At a subsequent audit of the accounts of the guardians and the overseers, the auditor disallowed the item of expenditure on account of H.'s salary, and allowed that on account of R.'s salary. On 28th of October, 1850, the commissioners, at the instance of the guardians, decided that the auditor was wrong, and under their order the auditor, at a subsequent audit, allowed the sum before disallowed to the guardians and disallowed the sum before allowed to the overseers:—

Held, on a rule obtained under the 7 & 8 Vict. c. 101, s. 35, to quash such allowance and disallowance:—first, that the commissioners had jurisdiction under the 7 & 8 Vict. c. 101, s. 36, to make the order of the 28th of October, and that until set aside, on removal by *certiorari*, that order was to be obeyed under the 4 & 5 Will. 4, c. 76, s. 105, and the auditor therefore bound to make the allowance directed by it.

Secondly, that by the operation of the 7 & 8 Vict. c. 101, s. 61, the appointment by the guardians, of H. either as collector or assistant overseer or both, under an existing unrescinded prospective order of the poor law board, took away the power of the inhabitants in vestry to appoint R. assistant overseer under the 59 Geo. 3, c. 12, and, therefore, that the quarter's salary to R. was properly disallowed: *Reg. v. Greene*, 21 L. J. M. C. 137; 17 Q. B. 793; 16 J. P. 183.

## LIABILITY OF SURETIES.

The overseers for the time being may sue upon bonds given under 59 Geo. 3, c. 12, s. 7; the effect of 7 & 8 Vict. c. 101, s. 61, being only to substitute, in such cases, the board of guardians for the vestry as the body who are to direct the bond to be sued upon: *Skelton v. Rushby*, 19 L. J. M. C. 29; 4 Exch. 545.

The condition of a bond, after reciting that "A. had been appointed a collector of the property, income, and assessed taxes, which had been or thereafter should be charged or assessed within the parish of D. under and by virtue of the several Acts relating to the said duties," provided in the usual terms that the bond should be void if A. should not properly discharge the duties of his office. By a subsequent Act, the income tax was raised 2*d.* in the pound: Held, that this alteration in the law increased the risk of the sureties and avoided the bond: *Badger v. Finch*, 29 L. T. 88.

On an action against a surety to a bond of fidelity, it was held that the agreement between him and the company was that he would be liable as

*Decisions on  
sect. 61.*

Poor law commissioners, on application of board of guardians, may direct appointment of paid collector of poor rates.

LXII. If the board of guardians of any parish or union make application to the said commissioners to direct the appointment of a paid collector of the poor rates in such parish or union, or in any parish or parishes of such union, it shall be lawful for the said commissioners, by order under their hands and seal, to direct the said board of guardians to appoint such a collector (a); and the said commissioners shall have the same powers with respect to such collectors as are given to them by the said first-recited Act with respect to paid officers (b); and all powers of the inhabitants of any parish in vestry assembled or of justices of the peace, or of any persons, other than the board of guardians of such parish or union, to appoint any collector for any such parish as aforesaid, and (except when otherwise directed by the said commissioners) all appointments under such powers shall cease.

(a) See 12 & 13 Vict. c. 103, s. 15.

(b) See 4 & 5 Will. 4, c. 76, ss. 46, 48.

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#### LIABILITY OF SURETIES—continued.

*Decisions on*  
*sect. 61.*

surety as long as L. continued coal agent at the specified fixed salary, and therefore that the change in the mode of remuneration relieved him from responsibility: *North Western Railway Company v. Whinray*, 23 L. J. Exch. 261.

The poor law commissioners had ordered the guardians of a union to appoint one or more collectors of poor rates, and three were appointed, each to a district. Four were subsequently appointed. One of the four having resigned, it was resolved, and an advertisement was issued, that two persons would be appointed "collectors for the parish of P., to one of whom would be assigned the collection of small tenements rates." P. offered to be "one of the collectors," and was appointed, and the bond of W., his surety, was conditioned that P. would, whether the district was changed or not, act as such collector and obey the orders of the guardians, &c. P. at first collected the small tenement rates, but afterwards was removed to another district, no new bond being executed: Held, that he was appointed a collector generally for the parish, and therefore there was no change in the office to which he was appointed, and the surety continued liable after P.'s removal to the district: *Portsea Island Union v. Whillier*, 2 L. T. (N. S.) 211; 29 L. J. Q. B. 156; 6 Jur. (N. S.) 887; 24 J. P. (N.) 292, 678; 2 E. & E. 755.

A bond conditioned for the due performance by A. of his duties as collector of poor rates and of the sewers rate for the parish of B., was held to be divisible, and a plea that before breach of the bond an Act was passed increasing the duties of A. as collector of sewer rate, and under which he was also elected collector of main drainage rates by the persons under whom he held his other appointments, was held to be no answer to the defendant's liability for A.'s breaches of duty as collector of poor rates. In error, held that the changes introduced by the Act did not amount to an alteration of the office of collector of sewers rates to which A. was originally appointed, and therefore that such changes did not avoid the bond; also, *Martin, B., dubitante*, that the bond was divisible, and that the plea was bad as affording no answer to the defendant's liability for A.'s breaches of duty as collector of poor rates: *Skillett v. Fletcher*, L. R. 1 C. P. 217; affirmed in error; *Ib.*, L. R. 2 C. P. 469.

#### LIABILITY OF GUARDIANS FOR POUNDAGE OF COLLECTOR.

*Decisions on*  
*sect. 62.*

The guardians of a union, in pursuance of an order of the poor law commissioners (under 4 & 5 Will. 4, c. 76, s. 46, and 7 & 8 Vict. c. 101, s. 62),

**LXIII.** If the overseers of any parish wilfully neglect to make or collect sufficient rates for the relief of the poor, or to pay such monies to the guardians of any parish or union as such guardians may require, and if by reason of such neglect any relief directed by the board of guardians to be given to any poor person be delayed or withheld during a period of seven days, every such overseer shall upon conviction thereof forfeit and pay for every such offence any sum not exceeding twenty pounds (c).

Penalty on overseers neglecting to obtain a supply of funds for the relief of the poor.

**LXIV.** The guardians of every parish or union acting under any local Act for the relief of the poor, shall hold their meetings once in every fortnight or oftener, and in all matters concerning the relief of the poor shall act as a board at a meeting, and not individually (d); and whenever under any such local Act there is no person particularly designated or authorized to act as chairman, such guardians shall elect and appoint annually, and from time to time as vacancies may occur, a chairman and vice-chairman of such board, and shall at any meeting at which no chairman or vice-chairman is present elect a temporary chairman to preside at that meeting: Provided always, that when the relief of the poor has been hitherto administered in any parish by guardians appointed under a local Act, and not by overseers of the poor, if such parish, according to the last enumeration of the population published by authority of parliament, contain more than twenty thousand persons, it shall not be lawful for the said commissioners, after the passing of this Act, without the consent in writing of two-thirds at least of such guardians, to declare such parish to be united with

In what manner guardians under local Acts shall conduct their proceedings.

Parishes under local Acts, with a population exceeding 20,000, not to be united without consent of guardians.

(c) See 2 & 3 Vict. c. 84, s. 1.

(d) See 11 & 12 Vict. c. 91, s. 12; and 12 & 13 Vict. c. 103, s. 18.

#### LIABILITY OF GUARDIANS FOR POUNDAGE OF COLLECTOR—continued.

appointed a collector of poor rates for several parishes in the union. The appointment was recorded in the minute book of the guardians, and the entry read to the plaintiff, who performed the duties of collector, receiving his poundage from the overseers of the respective parishes, with the exception of that of W.: Held, that an action was not maintainable against the guardians for the unpaid poundage: *Smart v. West Ham*, 24 L. J. Exch. 201; 10 Exch. 687; 19 J. P. 454.

*Decisions on sect. 62.*

Held, in the Exchequer Chamber, affirming the judgment of the Court of Exchequer, that guardians of the poor are not liable to pay the salary of a collector of poor rate appointed by them in pursuance of an order of the poor law commissioners: *Smart v. West Ham*, 11 Exch. 867; 25 L. J. Exch. 210; 26 L. T. 285; 20 J. P. 596.

An order issued by the poor law board altering the salary of an assistant overseer appointed under an order of the poor law commissioners issued prior to the 2 & 3 Vict. c. 84, is an order under 7 & 8 Vict. c. 101, s. 62: *Melling v. Graham*, L. R. 5 C. P. 216.

#### CUSTODY OF RATE BOOKS.

It was held, affirming the judgment of that court, that the collector was entitled to have the temporary possession of the rate books, for the purpose of collecting the poor rates, as against the overseers: *Reg. v. Christchurch* in re *Baynton*, in error, 29 L. T. 328; 3 Jur. (N. S.) 1074; 7 E. & B. 409.

Exception as to vagrant and audit districts.

any other parish for the administration of the laws for the relief of the poor; anything in the said first-recited Act to the contrary notwithstanding: Provided, however, that nothing herein contained shall prevent the said commissioners from including any such last-mentioned parish in a district for providing and managing an asylum for the temporary relief of and setting to work of destitute houseless poor (*c*), or from including such parish in a district for the audit of accounts, under the provisions of this Act except as hereinafter enacted (*d*).

Parishes with a population exceeding 20,000, under local Acts, having adopted the provisions of 1 & 2 Will. IV. c. 60, and parishes in the metropolitan district having auditors, not to be included in any district for audit of accounts.

LXV. Provided always, that where any parish which is not governed by a board of guardians constituted under the said first-recited Act, or comprised in any union, but is governed by guardians or directors under a local Act, and contains a population exceeding twenty thousand persons, according to the last enumeration of the population published by the authority of parliament, have before the first day of January in this present year adopted and acted upon the provisions of an Act passed in the second year of the reign of King William the Fourth, intituled "An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes of England and Wales" (*e*), and that where any two or more parishes situated within the district of the metropolitan police, containing together a population exceeding twenty thousand, according to the last enumeration of the population published by the authority of parliament, have been united for the purposes of rating or settlement under the provisions of any local Act, and are governed by guardians or directors under such local Act, and have not been comprised in any union formed under the provisions of the said first-recited Act, and have an auditor or auditors appointed and acting under any provisions of such local Act relating to the audit of accounts in such parishes, it shall not be lawful to include such parish or such two or more parishes respectively in any such district for the audit of accounts: Provided always, that it shall be lawful for any assistant poor law commissioner to be present at any audit as if the same were a meeting of a board of guardians or vestry, and to inspect, examine, and take copies or extracts from any books, accounts, or vouchers produced at such audit (*f*).

Proviso.

Commissioners may separate parishes from unions, or add parishes to unions, without the consent of the guardians of the union.

LXVI. "And whereas it is provided by the said first-recited Act (*g*) that the said commissioners may, from time to time as they may see fit, by order under their hands and seal, declare any union not united for the purposes of settlement or rating to be dissolved, or any parish or parishes to be separated from or added to any such union, and that such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and it is thereby further provided that no such dissolution, alteration, or addition

(*c*) See 14 & 15 Vict. c. 105, s. 14.

(*g*) See 4 & 5 Will. 4, c. 76, s. 32;

(*d*) See 30 & 31 Vict. c. 106, s. 2.

30 & 31 Vict. c. 106, s. 15; and

(*e*) See 18 & 19 Vict. c. 120, s. 197.

33 Vict. c. 2, s. 1.

(*f*) See 10 & 11 Vict. c. 109, s. 20;

and 30 Vict. c. 6.

shall take place or be made unless a majority of not less than two-thirds of the guardians of such union concur therein; and it is expedient to enable the said commissioners to separate any parish or parishes from any union, or to add any parish or parishes to any union, without the concurrence of the guardians of such union respectively:” Be it enacted, that it shall be lawful for the said commissioners to exercise the powers given to them by the said Act for the separating of any parish or parishes from any union formed under the provisions of the said Act, or for the addition of any parish or parishes to any such union, without the concurrence of the guardians of such union respectively in such separation or addition; and the said commissioners may, if they see fit, cause a board of guardians to be elected under the provisions of the said Act for any single parish separated from any union in pursuance hereof, notwithstanding the provisions of any local Act in force in such parish.

LXVII. So much of an Act passed in the fifty-fifth year of the reign of His late Majesty King George the Third, intituled “An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor,” as relates to the giving of notice of the intention to enter into contracts relating to the relief of the poor, shall be and the same is hereby repealed.

Repeal of  
55 Geo. III.  
c. 137, s. 7,  
as to notices  
of contracts  
for supplying  
workhouses.

LXVIII. Notwithstanding anything contained in an Act passed in the seventh year of the reign of Her Majesty, intituled “An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales” (*h*), it shall be lawful for any clerk or other officer to any board of guardians constituted under the said first-recited Act or under any local Act, or to any district board, if duly empowered by such board, to make or resist any application, claim, or complaint, or to take and conduct any proceedings on behalf of such board before any justice or justices of the peace at petty or special sessions or out of sessions, although such clerk or officer be not an attorney or solicitor, or have not obtained a stamped certificate in pursuance of the provisions of the said Act.

Clerks and  
officers may  
conduct pro-  
ceedings  
before justices  
at petty ses-  
sions on behalf  
of boards of  
guardians,  
although not  
certified  
attornies.

LXIX. It shall be lawful for any board of guardians or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the Schedule of this Act

Guardians, &c.  
may make a  
certain certi-

(*h*) See 6 & 7 Vict. c. 73, s. 2; and 23 & 24 Vict. c. 127, s. 33.

#### PROCEEDINGS ON BEHALF OF GUARDIANS AT QUARTER SESSIONS.

An unqualified person acting as an attorney may be indicted under the substantive prohibitory clause in s. 2 of 6 & 7 Vict. c. 73, for a misdemeanor; and sects. 35 and 36 of that Act do not limit the punishment for the offence to the particular incapacity and punishment there specified: *Reg. v. Buchanan*, 8 Q. B. 883.

*Decisions on*  
*sect. 68.*

ificate, which may be received in evidence, &c.

marked (C.), and every such certificate, and every copy of a minute of any order, complaint, claim, application, or authority of any such board of guardians or district board, purporting respectively to be signed by the presiding chairman of such guardians or district board, and to be sealed with their seal, and to be countersigned by their clerk, shall, unless the contrary be shown, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting such order, complaint, claim, or application having been given as alleged in the copy of such minute, and shall be received in evidence accordingly by and before all courts of justice and all justices, without any proof of the signatures or of the official characters of the persons signing the same, or of such seal, or of such meeting; and for the purpose of making any order of removal or other order no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate (a).

Justices at petty sessions, or out of sessions, may summon witnesses, and compel them to attend and give evidence.

LXX. In any proceedings to be had before justices in petty or special sessions, or out of sessions, under the provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful for any justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expences of attendance were paid or tendered to such person, it shall be lawful for such justice, by warrant under his hand and seal, to require such person to be brought before him, or any justices before whom such proceedings are to be had; and if any person coming or brought before any such justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such justices to commit such person to any house of correction within their jurisdiction, there to remain without bail or mainprize for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such justice shall be a sufficient warrant for the discharge of such person.

(a) See 11 & 12 Vict. c. 110, s. 11.

#### PRODUCTION OF DOCUMENTS.

*Decisions on sect. 70.*

Justices have no power to summon overseers to produce documents on the hearing of an application for an order of removal: *Reg. v. Orton*, 7 Q. B. 120; 9 J. P. 520.

An attachment will lie against an overseer, and also against the solicitor of a parish for refusing to produce the rate books of such parish at a petty sessions, in obedience to a crown office subpoena, in an inquiry touching the settlement of a pauper: *Reg. v. Greenaway*, 7 Q. B. 126; 14 L. J. M. C. 190; 9 J. P. 837.

LXXI. "And whereas it is provided by the said first-recited Rules, &c. Act (b) that all rules, orders, and regulations made by the said commissioners under the authority of the said Act shall be as printed by the valid and binding, and shall be obeyed and observed, as if the printer authorized by Her Majesty to be the same were specifically made by and embodied in the said Act; received in evidence. but no sufficient provision is made for bringing such orders to the knowledge of courts of justice:" Be it therefore enacted, that any copy of any such rule, order, or regulation, printed by the printer duly authorized by Her Majesty or any of her royal predecessors or successors, shall, after the lapse of fourteen days from the date thereof, be received in evidence, and judicially taken notice of, and shall, until the contrary be shown, be deemed sufficient proof that such order was duly made, and is in force (c).

LXXII. "And whereas it is provided by the said first-recited Evidence in Act that a written or printed copy of every rule, order, or regulation of the said commissioners shall, before the same shall legal proceedings of the come into operation in any parish or union, be sent by the said transmission of the commissioners' rules, &c. commissioners by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union, or their clerk, and to the clerk to the justices of the petty sessions held for the division in which such parish or union shall be situate (d): And whereas the proof of such sending is often attended with great expence and difficulty:" Be it enacted, that it shall not in any civil or criminal proceeding be necessary to prove such sending, except to the clerk to the guardians of the union or of the parish, or, where there shall be no guardians, to the overseers of the parish within which such rule, order, or regulation is intended to have effect (e); and that it shall in no case be necessary to prove such sending, unless reasonable notice in writing be given, by the party requiring such proof, to the party upon whom such proof would lie, that such proof will be required; and whenever it is proved to the satisfaction of the court that the said rule, order or regulation was sent, and that the party was cognizant thereof, such court shall order the reasonable expences of the witness or witnesses proving the same to be paid by the party who has given such notice, and such expences shall be recoverable as penalties and forfeitures under the first-recited Act.

(b) See 4 & 5 Will. 4, c. 76. s. 42. 31 & 32 Vict. c. 37; and 31 & 32

(c) See 10 & 11 Vict. c. 109, ss. 14- Vict. c. 122, s. 2.

18; 12 & 13 Vict. c. 103, ss. 12, 13; (d) See 4 & 5 Will. 4, c. 76, s. 18.

(e) See 10 & 11 Vict. c. 109, s. 25.

#### WITNESS UNABLE TO TRAVEL.

Where there are proceedings pending at sessions on a removal order, and a material witness is unable to travel, but in a fit state to be examined, the court has no power to make an order for his examination to be taken for the purpose of being used in such proceedings: Ex parte Kimbolton, *Decisions on* 5 L. T. (N. S.) 347. *sect. 70—continued.*

Conveyances,  
&c. for work-  
houses to be  
good, although  
not enrolled.

LXXIII. In all cases where any messuages, lands, or hereditaments, or any estates or interest therein, have or hath been conveyed or assured, or purported to be conveyed or assured, either gratuitously or for valuable consideration, to or in trust for the churchwardens and overseers of the poor, or the overseers only, or the guardians of any parish or parishes respectively, or otherwise for the benefit of any parish or parishes respectively, or to or in trust for the guardians of any union (*f*), for the purpose of providing a workhouse or asylum, or workhouses or asylums, for the accommodation of the poor of such parish or parishes or union respectively, every such conveyance or assurance shall be deemed good and valid for all purposes whatsoever, notwithstanding that such conveyance or conveyances have not been enrolled pursuant to the statute passed in the ninth year of the reign of His late Majesty King George the Second, intituled "An Act to restrain the Disposition of Lands whereby the same became inalienable."

9 Geo. II.  
c. 36.

Construction  
of Act.  
5 & 6 Vict.  
c. 57.

LXXIV. This Act shall be construed in the same manner as the Act passed in the sixth year of the reign of Her present Majesty, intituled "An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England (*g*)," and as one Act with the same, and with the Acts and provisions thereby required to be construed as one Act; and the word "month" shall be taken to mean calendar month; and the words "clerk of the peace" shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, town, cinque port, or town corporate; and the words "licensed minister" in the said first-recited Act, and "minister" in this Act shall be construed to mean and include every person in holy orders, and also every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law; and, except where it is otherwise expressly provided, all provisions in any Act now passed or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited Act, or to the workhouses under the management of such guardians, shall apply to all officers appointed by any district board, and to all workhouses under the management of any district board.

Act limited to  
England and  
Wales.  
When Act to  
operate.

LXXV. This Act shall extend only to England and Wales.

LXXVI. This Act shall come into operation on the day next after that on which Her Majesty gives her assent thereto.

(*f*) See 7 Will. 4 & 1 Vict. c. 50, s. 4.

(*g*) See 5 & 6 Vict. c. 57, s. 4.

## SCHEDULES referred to in the foregoing Act.

## SCHEDULE (A.)

County  
Division

Name of Mother of Bastard applying.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all Cases in which Orders are made.
			[Here state if the Summons was never served, or if the alleged father absconded, or the complaint was abandoned or heard, and the order refused, or, if made, the amount of the order.]	

I certify the above list to be correct in all particulars.

(Signed) *A. B.*, Clerk to the justices.

## SCHEDULE (B.)

*City, Towns, and Boroughs.*

LIVERPOOL.

MANCHESTER.

BRISTOL.

LEEDS.

BIRMINGHAM.

## SCHEDULE (C.)

The board of guardians of the poor of the                      union [*or* parish of                      ] do hereby certify, that on the                      day of                      *A. B.* and his wife *C. B.*, and his child *E. B.*, became chargeable to the parish of                      in the said union [*or* to the said union].

In testimony whereof the common seal of the said guardians is hereunto affixed at a meeting of their board this                      day of                      18                      .

(L. S.) (Signed) *W. J.*, Presiding Chairman of the said board.

(Countersigned) *C. D.*, Clerk [*or* acting as Clerk] to board of guardians of

## 8 VICT. CHAP. 16.

AN ACT for consolidating in one Act certain provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.  
[8th May, 1845.]

\* \* \* \*

And with respect to the giving of notices, be it enacted as follows :—

*Notices.*

Service of  
notices upon  
company.

CXXXV. Any summons or notice, or any writ, or other proceeding, at law or in equity, requiring to be served upon the company, may be served by the same being left at, or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company (b).

\* \* \* \*

## 8 VICT. CHAP. 18.

AN ACT for consolidating in one Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a Public Nature.  
[8th May, 1845.]

\* \* \* \*

Land tax and  
poor's rate to  
be made good.

CXXXIII. If the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate, they shall from time to time until the works shall be completed and assessed to such land tax or poor's rate, be liable to make good the deficiency in the several assessments for land tax and poor's rate by reason of such lands having been taken or used for the purposes of the works, and such deficiency shall be computed

(b) See 12 & 13 Vict. c. 14.

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LIABILITY OF PROMOTERS TO BE RATED.

*Decisions on  
sect. 133.*

The promoters of an undertaking are not, under 8 Vict. c. 18, s. 133, to be rated as occupiers, as that would have the effect of making them responsible for other rates and taxes which follow the poor rate. The intention was that the promoters should pay the deficiency as to any houses pulled down, not that they should be rated for them: *London, Corporation of, v. St. Andrew, Holborn*, 36 L. J. M. C. 95; L. R. 2 C. P. 574; 16 L. T. (N. S.) 665.

"Promoters," within 8 Vict. c. 18, s. 133, are liable to an action in respect of any deficiency in the poor rate caused during the construction of their works by their acquisition of rateable land in the parish: *Wheeler v. Metropolitan Board of Works*, L. R. 4 Exch. 303.

PRINCIPAL OFFICE OF COMPANY.

The principal office is that where all the general business of the company is transacted, where the secretary is, and where orders are issued: *Garton v. Great Western Railway Company*, E. B. & E. 837; in error, 846.

according to the rental at which such lands, with any building thereon, were valued or rated at the time of the passing of the special Act (c); and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax, they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

\* \* \* \* \*

CXXXIX. The justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's rate of such parish, or if the place wherein the offence shall have been committed shall be extra-parochial (d), then such justices shall direct such remainder to be applied in aid of the poor's rate of such extra-parochial place, or if there shall not be any poor's rate therein, in aid of the poor's rate of any adjoining parish or district.

\* \* \* \* \*

### 8 VICT. CHAP. 20.

AN ACT for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways.

[8th May, 1845.]

\* \* \* \* \*

XXIII. If by any such operations as aforesaid the company shall interrupt the supply of any water or gas they shall forfeit twenty pounds for every day that such supply shall be so interrupted, and such penalty shall be appropriated to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the overseers of the poor of the parish shall direct.

\* \* \* \* \*

CVII. The company shall every year cause an annual account in abstract to be prepared, showing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the thirty-first day of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the overseers of the poor of the several parishes through which the railway shall pass, and also to the clerks of the peace of the counties through which the railway shall pass, on or before the

Application of penalties.

Penalty for obstructing supply of gas or water.

Annual account to be made up, and a copy transmitted to the clerk of the peace, &c.

(c) See 6 & 7 Will. 4, c. 96, s. 1.

(d) See 20 Vict. c. 19, s. 1.

thirty-first day of January then next; which last-mentioned account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such clerk of the peace or overseers of the poor, they shall forfeit for every such omission the sum of twenty pounds.

\* \* \* \* \*

Service of  
notices upon  
company.

CXXXVIII. Any summons or notice, or any writ, or other proceeding at law or in equity, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company (a).

\* \* \* \* \*

### 8 & 9 VICT. CHAP. 83.

AN ACT for the Amendment and better Administration of the  
Laws relating to the Relief of the Poor in Scotland.

[4th August, 1845.]

Removal of  
English and  
Irish paupers.

LXXVII. \* \* \* Provided also, that nothing herein contained shall prevent any parochial board or their inspector from making arrangements for the due and proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves (b).

Removing  
officer to have  
powers of a  
constable.

LXXVIII. Every officer, constable, or other person to whom any such order of removal shall be delivered for the purpose of being carried into execution shall and may by virtue thereof detain and hold in safe custody every poor person mentioned in any such order until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose, in every county and place through which he shall pass in the due execution of such order, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for the county or place respectively through which he may have occasion to pass in carrying such order into execution, and although such order may not have been granted or backed by any judge or magistrate of such county or place.

(a) With regard to the three preceding Acts, see Shelford's Law of Railways, 4th ed., by the author of this work.

and 25 & 26 Vict. c. 113, s. 7. The Board of Supervision hold that 25 & 26 Vict. c. 113, does not repeal this proviso.

(b) See 10 & 11 Vict. c. 33, s. 2;

LXXIX. If any person who has been removed to England or Ireland or the Isle of Man from any parish or combination in Scotland, under any order of removal, shall afterwards return to Scotland and apply for relief, or again become chargeable by himself or his family to the same parish or combination without having obtained a settlement therein such person shall be deemed to be a vagabond under the provisions of an Act of the Scottish parliament passed in the year one thousand five hundred and seventy-nine, intituled "An Act for Punishment of 1579, c. 74. Persons again becoming chargeable to be punished.

\* \* \* \* \*

#### 8 & 9 VICT. CHAP. 100.

AN ACT for the Regulation of the Care and Treatment of Lunatics. [4th August, 1845.]

\* \* \* \* \*

LXXIV. The guardians of any parish or union may by a minute of their board, or an officiating clergyman of any parish not under a board of guardians, and one of the overseers thereof, or any two justices of the county or borough in which such last-mentioned parish is situate, may by writing under the hands respectively of such clergyman and overseer or of such justices direct that any pauper patient belonging to such parish or union, and detained in any licensed house or any hospital, shall be discharged or removed therefrom, and may direct the mode of such discharge or removal; and if a copy of such minute or such writing be produced to the proprietor or superintendent of such licensed house or such hospital, he shall forthwith discharge or remove such patient, or cause or suffer such patient to be discharged or removed accordingly (c). Mode of removal or discharge of pauper patients.

LXXV. Provided always, nevertheless, that no patient shall be discharged or removed, under any of the powers hereinbefore contained, from any licensed house or any hospital, if the physician, surgeon, or apothecary by whom the same shall be kept, or who shall be the regular medical attendant thereof, shall by writing under his hand certify that in his opinion such patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the commissioners visiting such house or the visitors of such house shall, after such certificate shall have been produced to them, give their consent in writing that such patient shall be discharged or removed; Provided that nothing herein contained shall prevent No patient to be removed under any of the preceding powers, if certified to be dangerous, unless the commissioners or visitors consent, or for the purpose of transfer to some other asylum.

any patient from being transferred from any licensed house or any hospital to any other licensed house or any other hospital, or to any asylum, but in such case every such patient shall be placed under the control of an attendant belonging to the licensed house, hospital, or asylum to or from which he shall be about to be removed for the purpose of such removal, and shall remain under such control until such time as such removal shall be duly effected.

Commissioners may discharge any patient confined in a house licensed by themselves. LXXVI. It shall be lawful for any two or more of the commissioners to make visits to any patient detained in any house licensed by the commissioners, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made (seven days at least to intervene between such visits) it shall appear to such visiting commissioners that such patient is detained without sufficient cause, it shall be lawful for the commissioners, if they shall think fit, to make such order as to the commissioners shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

Two commissioners may make special visits to discharge any patient confined in a house licensed by justices or in an hospital. LXXVII. It shall be lawful for any two or more of the commissioners, of whom one shall be a physician and one a barrister, to make special visits to any patient detained in any house licensed by the justices or in any hospital, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visiting commissioners that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

Similar powers for two visitors as to houses within their jurisdiction. LXXVIII. It shall be lawful for any two or more of the visitors of any licensed house, of whom one shall be a physician, surgeon, or apothecary, to make special visits to any patient detained in such house, on such days and at such hours as they shall think fit; and if after two distinct and separate visits so made it shall appear to such visitors that such patient is detained without sufficient cause, they may make such order as to them shall seem meet for the discharge of such patient, and such patient shall be discharged accordingly.

Every order for the discharge of a patient under the last preceding powers to be signed by the persons exercising them, and to be subject to certain restrictions. LXXIX. Provided always, that every such order by any commissioners or visitors for the discharge of a patient from any house licensed by justices, or from any hospital, shall be signed by them, and that each of such special visits shall be by the same commissioners or visitors; and that it shall not be lawful for such commissioners or visitors to order the discharge of any patient from any such last-mentioned house or hospital without having previously, if the medical attendant of such house or hospital shall have tendered himself for that purpose, examined him as to his opinion respecting the fitness of such patient to be discharged; and if such commissioners or visitors shall, after so examining such medical attendant, discharge such patient, and such medical attendant shall furnish them

with any statement in writing containing his reasons against the discharge of such patient, they shall forthwith transmit such statement to the commissioners or to the clerk of the visitors, as the case may require, to be kept and registered in a book for that purpose.

LXXX. Provided also, that not less than seven days shall intervene between the first and second of such special visits; and that such commissioners or visitors shall, seven days previously to the second of such special visits, give notice thereof, either by post or by an entry in the patients book, to the proprietor or superintendent of the house licensed by justices or of the hospital in which the patient intended to be visited is detained; and that such proprietor or superintendent shall forthwith, if possible, transmit by post a copy of such notice, in the case of a patient not being a pauper, to the person by whose authority such patient was received into such house, or by whom the last payment on account of such patient was made, and in the case of a pauper, to the guardians of his parish or union, or if there be no such guardians, to one of the overseers for the time being of his parish, and also in the case of any patient detained in a house licensed by justices to the clerk of the visitors of such house.

The last preceding powers to be exercised under certain other restrictions.

LXXXI. Provided always, nevertheless, that none of the powers of discharge hereinbefore contained shall extend to any person who shall have been found lunatic by inquisition or under any inquiry directed by the lord chancellor, in pursuance of the powers in that behalf hereinafter given to him, nor to any lunatic confined under any order or authority of Her Majesty's principal secretary of state for the home department, or under the order of any court of criminal jurisdiction.

Preceding powers not to affect persons found lunatic by inquisition, or confined under authority of secretary of state.

LXXXII. It shall be lawful for the visitors of any licensed house at any time to determine and regulate the dietary of the pauper patients therein; and it shall be lawful for the visiting commissioners at any time to determine and regulate the dietary of the pauper patients in any licensed house or in any hospital; and if such determination and regulation of any visitors and of the visiting commissioners shall not agree with each other, then the determination and regulation of the visiting commissioners shall be followed: Provided always, nevertheless, that every such regulation shall be made to take effect only from such time as not to affect any contract existing on the first day of June last for the maintenance of pauper patients before the first day of June one thousand eight hundred and forty-six, or the expiration of such contract, whichever shall first happen.

Power for visitors and visiting commissioners to regulate the dietary of pauper patients.

\* \* \* \* \*

LXXXVI. It shall be lawful for the proprietor or superintendent of any licensed house or of any hospital, with the consent in writing of any two of the commissioners, or in the case of a house licensed by justices of any two of the visitors of such house, to send or take, under proper control, any patient

Proprietor or superintendent, with consent of two commissioners

or visitors, may take or send a patient to any place for his health.

to any specified place for any definite time for the benefit of his health: Provided always, nevertheless, that before any such consent as aforesaid shall be given by any commissioners or visitors, the approval in writing of the person who signed the order for the reception of such patient, or by whom the past payment on account of such patient was made, shall be produced to such commissioners or visitors, unless they shall, on cause being shown, dispense with the same (a).

\* \* \* \* \*

Provision for the visitation of lunatics under the care of committees, and also of state and criminal lunatics, and other lunatics not comprised in the preceding provisions.

CXII. It shall be lawful for the lord chancellor, in the case of any lunatic under the care of a committee appointed by the lord chancellor, and for the lord chancellor, or Her Majesty's principal secretary of state for the home department, in the case of any lunatic under the care of any person receiving or taking the charge of one such lunatic only, and deriving no profit from the charge, and in the case of any person confined as a state lunatic, or as a lunatic under the order of any criminal court of justice, and in the case of every other person detained or taken charge of as a lunatic, or represented to be a lunatic, or to be under any restraint as a lunatic at any time, by an order in writing under the hand of the lord chancellor or the said secretary of state as the case may be, directed to the commissioners or any of them, or to any other person, to require the persons or person to whom such order shall be directed, or any of them, to visit and examine such lunatic or supposed lunatic, and to make a report to the lord chancellor, or to Her Majesty's principal secretary of state for the home department, of such matters as in such order shall be directed to be inquired into (b).

Power for the lord chancellor and secretary of state for the home department to authorize a special visitation of any place where a lunatic is represented to be confined.

CXIII. It shall be lawful for the lord chancellor, or Her Majesty's principal secretary of state for the home department, to employ any commissioner appointed under this Act, or other person, to inspect or inquire into the state of any asylum, hospital, gaol, house, or place wherein any lunatic, or person represented to be lunatic, shall be confined or alleged to be confined, and to report to him the result of such inspection and inquiry; and every such person so employed, and not being a commissioner, may be paid such sum of money for his attendance and trouble as to the lord chancellor or Her Majesty's principal secretary of state for the home department shall seem reasonable; and every such person so employed, whether a commissioner or not, shall be allowed his reasonable travelling or other expences while so employed; and such sum of money for attendance and trouble, and such expences, shall be charged on and shall be paid out of the contingency fund of the Home Office (c).

Interpretation clause.

CXIV. In this Act and the Schedules thereto the words and expressions following shall have the several meanings hereby

(a) See 25 & 26 Vict. c. 111, s. 38.

(b) See 25 & 26 Vict. c. 111, s. 38.

(c) See 16 & 17 Vict. c. 96, s. 33.

assigned to them, unless there shall be something in the subject or context repugnant to such construction: (that is to say),

\* \* \* \* \*

“Lunatic shall mean every insane person, and every person being an idiot or lunatic or of unsound mind:

“Parish” shall mean any parish, township, hamlet, vill, tithing, extra-parochial place, or place maintaining its own poor:

\* \* \* \* \*

“Pauper” shall mean every person maintained wholly or in part at the expence of any parish, union, county, or borough:

\* \* \* \* \*

“Licensed house” shall mean a house licensed under the provisions of this Act, or of some Act hereby repealed, for the reception of lunatics:

\* \* \* \* \*

#### 8 & 9 VICT. CHAP. 110.

AN ACT for the better collecting Borough and Watch Rates in certain Places.  
[8th August, 1845.]

“WHEREAS by an Act passed in the sixth year of the reign of His late Majesty, intituled ‘An Act to provide for the Regulation of Municipal Corporations in England and Wales,’ authority was given to the councils of boroughs in certain cases to levy borough rates, and also watch rates, for the purposes of the said Act: And whereas the powers and directions given by the said Act, and certain other Acts relating thereto, for the levying, assessing, and collecting such borough rates and watch rates, are found to be insufficient for that purpose:’ Be it enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in every case in which any parish or place liable to support its own poor, or any extra-parochial place, shall lie partly within and partly without any such borough, and the council of such borough hath appointed or hereafter shall appoint one or more persons to act as overseer or overseers within that part of such parish or place, or those parts of such parishes or places, which is or are within the same borough, for making, levying, and collecting borough rates or watch rates made or hereafter to be made therein, the person or persons so appointed shall be empowered to levy and raise, by an equal rate or assessment upon all the property within each of the parts of parishes or places respectively for which he or they shall be so

Overseers for parts of parishes and places within boroughs to raise district rates.

appointed, which, if such part were a parish maintaining its own poor, would be rateable to the relief of the poor, such sums of money as shall be required in order to raise the several sums assessed upon such parts of parishes or places respectively, or to reimburse such person or persons as aforesaid such sums of money as he or they shall have paid for any borough rate or watch rate made or hereafter to be made by the council of the borough wherein such part of a parish or place, or parts of parishes and places respectively, shall be situated; such rate or assessment, or respective rates or assessments, to be paid by the occupier or occupiers for the time being of such rateable property as aforesaid; and that the person or persons so appointed or to be appointed to act as such overseer or overseers for the purposes aforesaid shall have and exercise, in and for the purpose of making, levying, and collecting every such rate or assessment as aforesaid, all the powers which by the laws now or hereafter to be in force overseers of the poor have or may have for making, assessing, collecting, and recovering rates for the relief of the poor within their several parishes; and every such rate or assessment made or to be made by any person or persons appointed or to be appointed to act as overseer or overseers of the part of any parish or place within any such borough shall, for the purposes of this Act, be called a district rate.

District rates to be allowed and published.

II. No such district rate, nor any separate rate made by overseers of the poor for raising a watch rate as hereinafter is mentioned, shall be demanded, collected, or payable, until the same shall have been allowed by two or more justices of the peace usually acting in and for such borough, and shall also have been published in like manner as rates for relief of the poor are by law required to be allowed and published.

Persons aggrieved may appeal.

III. Provided always, that any person who shall think himself aggrieved by any such district rate as aforesaid, or by any separate rate to be made by any overseers of the poor for raising a watch rate as hereinafter is mentioned, may appeal to the recorder of the borough in which such rate has been made, at the next quarter session for the same borough, or in case there shall be no recorder in such borough, to the justices at the next court of quarter sessions for the county within which such borough is situated, or whereunto it is adjacent; and such recorder or justices respectively shall hear and determine the same, and shall award relief in the premises as in the case of an appeal against any rate made for the relief of the poor.

District rates to be sufficient to raise the amount required.

IV. Every such district rate as aforesaid made for the purpose of raising money to pay or reimburse any borough rate or watch rate charged by the council of the borough upon such part of a parish or place, and every separate rate to be made by overseers of the poor for raising a watch rate as hereinafter mentioned, may be at such amount or rate in the pound as may be necessary for raising the sum or respective sums so charged

by such council, so that no such district rate, or rate for raising a watch rate, exceed twopence in the pound of the annual value of property rateable thereunto, beyond the rate in the pound at which the council of the same borough shall have computed the general borough rate or watch rate so laid or charged by them; and that the person or persons collecting such district rate shall be liable to account as an officer appointed by the council of the borough in or for any part of which he shall act, and shall be liable to the same penalties, remedies, and proceedings in all respects, for refusing or neglecting to account and pay over the monies from time to time remaining in his hands, to which other officers appointed by the council are liable; and in case of there being a surplus in the hands of such person or persons arising from any district rate, above the amount for raising which such district rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such district rate was made, and go in part of the next rate of the like denomination to be made and laid on such place by the council of such borough; and in regard to separate rates made by overseers of the poor for raising watch rates as is hereinafter mentioned, such overseers shall account for the money collected under or by virtue of such separate rates in like manner as for money collected under rates made for the relief of the poor; and in case of there being a surplus in the hands of such overseer, arising from any such separate rate made for raising a watch rate, above the amount to raise which such separate rate was made, then such surplus shall be paid to the treasurer of the borough fund, to the credit of the place within and for which such separate rate was made, and go in part of the next watch rate to be made and laid on such place by the council of such borough (a).

Collectors to account.

Surplus of district rate to be paid to the treasurer.

Separate rate made by overseers for raising watch rates to be accounted for, and surplus paid to the treasurer.

V. It shall be lawful for the council of the borough in which any district rate, or any separate rate to be made by overseers of the poor for raising a watch rate as hereinafter mentioned, shall be made, or for any committee of the council appointed for that purpose, on application by or on behalf of any person rated in any such district rate, or rate for raising a watch rate, to be discharged therefrom, and on proof of his or her inability, through poverty, to pay the amount charged upon him or her by such district rate, or rate for raising a watch rate, to order that such person shall be excused from the payment of such district rate, or rate for raising a watch rate, and to strike out his or her name therefrom; and the sum at which such person was so rated in such district rate, or rate for raising a watch rate, shall not thereafter be collected, nor shall any person be charged therewith, or in any manner called or liable to account for the same, or for omitting to collect or receive the same.

Persons rated may be excused on account of poverty.

(a) See 3 & 4 Will. 4, c. 90, s. 36; and 7 & 8 Vict. c. 101, s. 32.

Watch rates  
to be charged  
only upon  
persons liable  
thereto.

VI. In every case in which a part only of any parish or place liable to maintain its own poor, and situated within any borough, shall be liable to watch rate, the overseers of the poor of such parish or place shall not pay the amount of any watch rate charged by the council of such borough upon such parish or place out of money collected from any rate or rates for the relief of the poor, but shall make a separate rate or assessment upon the part or parts only of such parish or place liable to watch rates for raising and paying the same watch rate, which rate shall be made in like manner, and under like regulations, and with like means and remedies for recovery thereof, as are herein contained in relation to district rates (a).

For recovery  
of rates.

VII. It shall be lawful for the person or persons appointed or to be appointed to act as overseer or overseers for making, levying, and collecting borough rates and watch rates in the parts of parishes or places situate within the limits and jurisdiction of any city or borough as aforesaid, or any of them, and for the overseers of the poor making any separate rate or assessment for the purpose of raising the amount of any watch rate, by warrant from any two justices of the peace usually acting in and for the borough wherein the parishes, parts of parishes or places, in or for which any district rate, or rate for raising a watch rate, may be made, shall be situated, to levy upon every person who shall refuse to pay the amount assessed or charged upon him or her by any such district rate, or rate for raising a watch rate according as they shall be assessed, the amount so assessed or charged upon him, her, or them, together with the costs and charges of recovering and enforcing payment of the same, to be ascertained by such justices, by distress and sale of the offender's goods, rendering to the parties the overplus; and in default of such distress it shall be lawful for any two such justices of the peace to commit him or them to the common gaol of or used for the same borough, there to remain, without bail or mainprize, until payment of the said amount and arrearages.

Overseer may  
be appointed  
for two or  
more parts of  
parishes.

VIII. Whenever there shall be within any borough two or more parishes or places, each separately maintaining its own poor, or two or more extra-parochial places, and each of them partly within and partly without the limits and jurisdiction of such borough, it shall be lawful for the council of such borough to appoint some one person or some two persons to act as overseer or overseers for making, levying, and assessing district rates and watch rates within any two or more of the parts of parishes or places, or within all the parts of parishes or places, lying within the limits and jurisdiction of such borough, without regard to the residence of the person or persons so to be appointed; and every person appointed to act as an overseer for the making, levying, and collecting district or watch

(a) See 3 & 4 Will. 4, c. 90, s. 36; and 7 & 8 Vict. c. 101, s. 32.

rates under the provisions of this Act, and the Acts herein recited, shall be allowed and paid out of the borough fund such allowances or remuneration for his services as the council shall direct.

### 8 & 9 VICT. CHAP. 113.

AN ACT to facilitate the Admission in Evidence of certain official and other Documents (*b*).

[8th August, 1845.]

"WHEREAS it is provided by many statutes that various certificates, official and public documents, documents and proceedings of corporations and of joint stock and other companies, and certified copies of documents, bye-laws, entries in registers and other books shall be receivable in evidence of certain particulars in courts of justice, provided they be respectively authenticated in the manner prescribed by such statutes: And whereas the beneficial effect of these provisions has been found by experience to be greatly diminished by the difficulty of proving that the said documents are genuine; and it is expedient to facilitate the admission in evidence of such and the like documents: "Be it therefore enacted by the Queen's most excellent Majesty by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that whenever by any Act now in force or hereafter to be in force any certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding, shall be receivable in evidence of any particular in any court of justice, or before any legal tribunal, or either house of parliament, or any committee of either house, or in any judicial proceedings, the same shall respectively be admitted in evidence, provided they respectively purport to be sealed or impressed with a stamp or sealed and signed, or signed alone, as required, or impressed with a stamp and signed, as directed by the respective Acts made or to be hereafter made, without any proof of the seal or stamp, where a seal or stamp is necessary, or of the signature or of the official character of the person appearing to have signed the same, and without any further proof thereof in every case in which the original record could have been received in evidence.

Certain documents to be received in evidence without proof of seal or signature, &c. of person signing the same.

II. All courts, judges, justices, masters in chancery, masters of courts, commissioners judicially acting, and other judicial officers shall henceforth take judicial notice of the signature of equity Courts, &c. to take judicial notice of signature of equity

(*b*) See 4 & 5 Will. 4, c. 76, s. 3; 11 Vict. c. 109, s. 5; and 31 & 32 7 & 8 Vict. c. 101, ss. 69, 71; 10 & Vict. c. 37.

or common law judges, &c. ture of any of the equity or common law judges of the superior courts at Westminster, provided such signature be attached or appended to any decree, order, certificate, or other judicial or official document.

Copies of private Acts printed by Queen's printer, journals of parliament, and proclamations, admissible as evidence. III. All copies of private and local and personal Acts of parliament not public Acts, if purporting to be printed by the Queen's printers, and all copies of the journals of either house of parliament, and of royal proclamations, purporting to be printed by the printers to the Crown or by the printers to either house of parliament, or by any or either of them, shall be admitted as evidence thereof by all courts, judges, justices, and others, without any proof being given that such copies were so printed.

Persons forging seal, stamp, or signature of certain documents, or print\* any private Act with false purport, guilty of felony. IV. Provided always, that if any person shall forge the seal, stamp, or signature of any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or of any certified copy of any document, bye-law, entry in any register or other book, or other proceeding as aforesaid, or shall tender in evidence any such certificate, official or public document, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding, with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, whether such seal, stamp, or signature be those of or relating to any corporation or company already established, or to any corporation or company to be hereafter established, or if any person shall forge the signature of any such judge as aforesaid to any order, decree, certificate, or other judicial or official document, or shall tender in evidence any order, decree, certificate, or other judicial or official document with a false or counterfeit signature of any such judge as aforesaid thereto, knowing the same to be false or counterfeit, or if any person shall print any copy of any private Act or of the journals of either house of parliament, which copy shall falsely purport to have been printed by the printers to the Crown, or by the printers to either house of parliament, or by any or either of them, or if any person shall tender in evidence any such copy, knowing that the same was not printed by the person or persons by whom it so purports to have been printed, every such person shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not more than three nor less than one year, with hard labour: Provided also, that whenever any such document as before mentioned shall have been received in evidence by virtue of this Act, the court, judge, commissioner, or other person officiating judicially who shall have admitted the same, shall, on the request of any party against whom the same is so received, be authorized, at its or at his own discretion, to direct that the same shall be impounded, and be kept in the custody of some officer of the court or other proper person,

\* (*Sic.*)

until further order touching the same shall be given, either by such court, or the court to which such master or other officer belonged, or by the persons or person who constituted such court, or by some one of the equity or common law judges of the superior courts at Westminster on application being made for that purpose.

V. This Act shall not extend to Scotland.

Extent of Act.

\* \* \* \* \*

## 8 & 9 VICT. CHAP. 117.

AN ACT to amend the Laws relating to the Removal of poor Persons born in Scotland, Ireland, the Islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England.

[8th August, 1845.]

“ WHEREAS it is expedient that the laws relating to the removal of poor persons born in Scotland or Ireland, or in the islands of Man, Scilly, Jersey, or Guernsey, and not settled in England, but chargeable to parishes in England, should be amended:”

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act so much of the following Acts of parliament, and of all Acts to amend or continue the same, as relates to the removal of such poor persons from the parishes to which they are chargeable, except so far as any of the said Acts may repeal the provisions of any former Act, and except as to all orders made under the same or any of them, and not fully executed at the passing of this Act, shall be and the same is hereby repealed; (namely) an Act made in the eleventh year of the reign of King George the Fourth, “ to repeal the Provisions of certain Acts relating to the Removal of Vagrants and poor Persons born in the Isles of Jersey and Guernsey, and chargeable to Parishes in England, and to make other Provisions in lieu thereof;” an Act made in the fourth year of the reign of King William the Fourth, “ to repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, and to make other Provisions in lieu thereof until the First day of May One thousand eight hundred and thirty-six, and to the end of the then next Session of Parliament.”

Repeal of  
11 Geo. IV.  
& 1 Will. IV.  
c. 5, ss. 1, 2;  
3 & 4 Will. IV.  
c. 40;  
7 Will. IV. &  
1 Vict. c. 10;  
3 & 4 Vict.  
c. 27; and  
7 & 8 Vict.  
c. 42.

II. If any person born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey, not settled in England, become chargeable to any parish in England, by reason of relief given to himself or herself, or to his wife, or to any legitimate or bastard child, such person, his wife, and any child the Provision for removal of natives of Scotland, Ireland, and the Isles of

Man, Scilly,  
Jersey, and  
Guernsey.

so chargeable, shall be liable to be removed respectively to Scotland, Ireland, the Isle of Man, Scilly, Jersey or Guernsey (*a*); and if the guardians of such parish, or of any union in which the same may be comprised, or, where there are no such guardians, if the overseers of such parish, complain thereof to any one justice of the peace, such justice may, if such person do not attend voluntarily, summon (*b*) him to come before any two justices of the peace, at any time or place to be named in the summons (*c*); and at such time and place, or on the attendance of such person, any two justices may hear and examine into the matter of such complaint, and if it be made to appear to their satisfaction that such person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a warrant under their hands and seals to remove such person forthwith at the expence of such union or parish (*d*).

(*a*) See 9 & 10 Vict. c. 66, s. 1.

(*d*) See 8 & 9 Vict. c. 83, s. 77;

(*b*) See 7 & 8 Vict. c. 101, s. 70.

24 & 25 Vict. c. 76; and 25 & 26 Vict.

(*c*) See 10 & 11 Vict. c. 33, s. 1.

c. 113.

#### LIABILITY TO REMOVAL FROM ENGLAND.

*Decisions on  
sect. 2.*

A child eight years old, born in England, but both of whose parents were Irish and without any settlement in England, and whose mother, after the death of her first husband, had married a settled inhabitant of the parish of A., was removable, if chargeable, to his place of birth, and was not within 59 Geo. 3, c. 12, s. 33: *Rex v. Great Clacton*, 3 B. & Ald. 410.

A wife and children having settlements in England must be removed with husband and father who has none: *Rex v. Leeds*, 4 B. & Ald. 498.

Where the unemancipated unmarried daughter of an Irishman not having acquired any settlement of his own in England, became pregnant, and, as such, was deemed actually chargeable under 35 Geo. 3, c. 101, s. 4: Held, that this did not make the father and the rest of his family removable by a pass to Ireland under 59 Geo. 3, c. 12, s. 33; but that the daughter might be removed by an order to the place of her birth in England: *Rex v. Whitehaven*, 5 B. & Ald. 720.

Under 59 Geo. 3, c. 12, s. 33, an Irishwoman having a bastard child born in a parish in England and within the age of nurture, might, on becoming chargeable, be passed to Ireland, though the child could not be sent with her, the Act not authorizing the removal of any settled person: *Rex v. Bennett*, 2 B. & Ad. 712.

The daughter of an Irishman, neither of whom has a settlement in England, and who is unemancipated, is removable with him to Ireland: *Rex v. Mile End Old Town*, 4 A. & E. 196.

An illegitimate child, born in England, of a woman having no settlement, and not being chargeable, is removable to the place of its birth, although under the age of 16: *Reg. v. St. Giles in the Fields*, 2 Com. L. R. 1486.

A person born in England of Irish parents who have gained no settlement in England, is removable with his wife and family to his birthplace, when, at the time they became chargeable, he is emancipated and has ceased to reside with or form part of his parents' family: *Reg. v. Preston*, 10 L. J. M. C. 22; 12 A. & E. 822.

Children born in England of Irish parents, who have not gained a settlement in England, may, when deserted by their father after the death of their mother, be removed to the place of their birth settlement. Under 8 & 9 Vict. c. 117, s. 2, a valid order for the removal of such children to Ireland can only be made where, at the time of the order, they form part

III. Every person to whom any warrant made in pursuance of this Act shall be delivered for the purpose of being carried into execution shall detain and hold in safe custody every poor person mentioned therein, until such poor person have arrived at the place to which he is ordered to be removed, and shall for that purpose, in every county and place through which he may pass in the due execution of such warrant, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for such county or place (e).

Persons executing warrants of removal to have the authority of constables.

\* \* \* \* \*

V. In the case of any parish not in union, and not containing a population exceeding thirty thousand persons according to the last census published by the authority of parliament, if the guardians or overseers on whose complaint such warrant of removal was made bring or send to the clerk of the peace of the county or to the town clerk of the borough in which such parish is situate such warrant of removal, accompanied with an affidavit, sworn before some justice of the peace of such county or borough (who shall be authorized to administer the same, of the amount of the expences *bonâ fide* incurred and paid by such guardians or overseers on account of such removal under such warrant as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the

Expences of certain parishes to be repaid out of county rates.

(e) See 10 & 11 Vict. c. 33, s. 3; and 26 & 27 Vict. c. 89, ss. 2, 4.

#### LIABILITY TO REMOVAL FROM ENGLAND—*continued.*

of the father's family, and, as such, can be removed with him: *Reg. v. All Decisions on Saints, Derby*, 19 L. J. M. C. 14; 3 N. S. C. 653; 14 Q. B. 207; *sect. 2.* 14 J. P. 23.

An Irishman, having no English settlement, married a woman settled in A., and lived with her in B. for more than five years. He then deserted her and left the kingdom: Held, that she was removable from B. to A., and not to Ireland: *Much Hoole v. Preston*, 17 Q. B. 548.

A woman, whose husband was a Scotchman without a settlement in England, had, during his absence on a voyage to Calcutta, without leaving sufficient means of support for his family, become chargeable to the parish in which she was residing. She had a maiden settlement in England: Held, that this was such an absence on the part of the husband as amounted to a desertion of his wife, and that she might therefore be removed to the place of her maiden settlement: *Reg. v. St. Marylebone*, 20 L. J. M. C. 61.

The child of Irish parents having a birth settlement in England, is removable to that settlement if her father be not removable with his family to Ireland, under 8 & 9 Vict. c. 117, s. 2: *Reg. v. St. Giles, Cripplegate*, 17 Q. B. 636; 21 L. J. M. C. 26; 16 J. P. 244; 15 Jur. 1154.

Where a man and wife born in Ireland come to England, and the husband deserts his wife, not having acquired any settlement in England, she and her children cannot be removed to Ireland under 8 & 9 Vict. c. 117, that statute only applying to cases where the wife and husband are removed together as a family: *Irish Poor Law Commissioners v. Liverpool*, 34 J. P. 294; *S. C. Poor Law Commissioners for Ireland v. Liverpool Select Vestry*, 39 L. J. M. C. 251; L. R. 5 Q. B. 79; 21 L. T. (N. S.) 636.

peace shall lay the same before the justices of the peace assembled at the quarter session or adjournment thereof holden for such county next after he has received the same, and such town clerk shall lay the same before the council of such borough at their quarterly meeting held next after he has received the same; and the said justices and council of such borough respectively shall, if the regulations in force in regard to such removal have been duly complied with, order the amount of such expences to be paid out of the county rate raised in such county, or out of the borough fund of such borough, as the case may be.

\* \* \* \* \*

The Poor Law Amendment Act and this Act to be construed as one Act.

VII. The said Act of the fifth year of the reign of King William the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in England and Wales (a)," and all Acts to amend and extend the same, and the present Act, except so far as the provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as one Act; and that in this Act, or any of the said Acts, the word "county" shall mean and include any county, division of a county, riding, or liberty, having a separate commission of the peace; and that in this Act the word "borough" shall mean any borough having a separate court of quarter sessions.

Forms in the Schedule may be used in proceedings under this Act.

VIII. In all proceedings under this Act it shall be sufficient in the law to use, with such changes only as the facts of each case may require, the forms contained in the Schedule marked (C.) to this Act annexed, for the purposes in the titles to such forms respectively specified.

\* \* \* \* \*

## SCHEDULE (A.)

### *Ports in Ireland.*

DUBLIN.	CORK.	BELFAST.
WEXFORD.	LIMERICK.	DUNDALK.
WATERFORD.	DERRY.	

## SCHEDULE (B.)

### *Ports in Scotland.*

DUMFRIES.	GLASGOW.	ABERDEEN.
AYR.	OBAN.	DUNDEE.
GREENOCK.	INVERNESS.	EDINBURGH.

(a) See 4 & 5 Will. 4, c. 76, s. 109.

## SCHEDULE (C.)

*Form of Warrant of Removal of Persons born in Scotland or Ireland (a), or in the Isle of Man, or Scilly, or Jersey, or Guernsey.*

To

County of                    } WHEREAS complaint hath been made by the  
to wit.                    } board of guardians of the                   union [or of  
the parish, of, &c.                   ], in the said county of                   unto us,  
whose names are hereunto set and seals affixed, two of Her  
Majesty's justices of the peace acting in and for the said county,  
that                   a person born in Scotland [or Ireland (b), or the Isle  
of Man, or Scilly, or Jersey, or Guernsey], hath become and is  
now chargeable to the parish [township, &c.] of                   in the  
said union, &c. : And whereas, upon examination of the said  
taken upon oath before us (which examination is hereto  
annexed), it doth appear to our satisfaction that he was born  
in Scotland, &c. and hath not a settlement in England, and  
that he hath a wife named                   and                   children, videlicet  
neither of which children has any settlement in England.

These are therefore to require you the said                   to convey  
the said                   his wife and family aforesaid, to Scotland, *et*  
*cætera*, in the manner directed by the regulations of the justices  
of the said county, *et cætera*, and approved by J. S., one of Her  
Majesty's principal secretaries of state, in pursuance of the pro-  
visions of a certain Act made and passed in the                   year of  
the reign of Queen Victoria, intituled [*the title of this Act*].

Given under our hands and seals this                   day of                   in  
the year of our Lord one thousand eight hundred and                   .

[*Here copy the regulations of the justices of the county, et*  
*cætera, approved by the secretary of state, as applicable to the*  
*removal of the party.*]

*Form of Examination to which the above Warrant refers.*

to wit.                    } THE examination of                   taken on oath  
                              } before us, two of Her Majesty's justices of the  
peace acting in and for the [county, riding, city, borough, town  
corporate, division, or liberty] aforesaid, this                   day of  
in the year of our Lord one thousand eight hundred and                   ,  
who on oath saith, that according to the best of [his or  
her] knowledge and belief [he or she] was born in                   in  
that part of the United Kingdom called Scotland [or Ireland (a),  
or in the Isle of Man, or Scilly, or Jersey, or Guernsey], which  
[he or she] left about                   years ago, and hath no settlement  
in that part of the United Kingdom called England, and hath  
actually become and is now chargeable to the [parish, township,  
&c.] of                   in the county of                   [and that he hath a wife  
named                   and                   children, neither of which children have  
gained a settlement in England].

Sworn the day and year first above written, before us

(b) See 26 & 27 Vict. c. 89, s. 6.

## 8 &amp; 9 VICT. CHAP. 118.

AN ACT to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands; to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts; and to provide for the Revival of such Powers in certain Cases.

[8th August, 1845.]

\* \* \* \* \*

Village green not to be inclosed; but provision may be made for preserving the surface and fixing boundaries.

XV. No town green or village green shall be subject to be inclosed under this Act; provided that in every case in which an inclosure of lands in the parish in which such town green or village green may be situate shall be made under the authority of this Act it shall be lawful for the commissioners, if they shall think fit, to direct that such town green or village green, provided such green be of equal or greater extent, be allotted to the churchwardens and overseers of the poor of such parish, in trust to allow the same to be used for the purposes of exercise and recreation, and the same shall be allotted and awarded accordingly, in like manner, and with the like provisions for making or maintaining the fences thereof, and preserving the surface thereof, and draining and levelling the same where occasion shall require, as hereinafter directed concerning the allotments to be made for the purposes of exercise and recreation; and such green may be so allotted in addition to other land which may be allotted for the purposes of exercise and recreation, or if the commissioners shall think it sufficient, may be allotted in substitution for other land which might have been required to be allotted for such purposes; and in every case in which such town green or village green shall adjoin land subject to be inclosed under this Act, and shall not be separated from such land by fences or known bounds, the commissioners shall, in the provisional order concerning such inclosure, set out a boundary line between such green and the adjoining land, and shall in their annual general report mention and describe such boundary.

\* \* \* \* \*

Power to set out boundaries of parishes.

XXXIX. In case it shall be represented to the commissioners by the valuer acting in the matter of any inclosure, that the boundaries of any parish or manor in which the land proposed to be inclosed, or any part thereof, shall be situate, and of any parish or manor adjoining thereto, are not then sufficiently ascertained and distinguished, it shall be lawful for the commissioners, or any assistant commissioner by them appointed for that purpose, after giving such notices as they or he shall think necessary for the protection of the rights of all persons interested in this behalf, to ascertain and set out the same

respectively in writing under the hand and seal of such assistant commissioner, or under the seal of such commissioners; and after the said boundaries shall be so ascertained and set out and fixed the same shall and are hereby declared to be the boundaries of such parishes and manors respectively; and the commissioners or assistant commissioner shall, within one calendar month after ascertaining and setting out the boundaries, publish the same, by causing a description thereof in writing to be delivered to or left at the place of abode of one of the churchwardens or overseers of the poor of each of the parishes of which the boundary shall be so set out, and of the lords of the several manors of which the boundary shall be so set out, or of the stewards of the respective manors, and shall give notice that such boundary has been so set out, and that such description has been so left as aforesaid, by advertisement: Provided always, that any person interested in the determination of the commissioners or assistant commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within one calendar month next after the publication of the said boundaries, by delivering or leaving such description as aforesaid, give notice in writing of his dissatisfaction to the commissioners, specifying the particulars in respect whereof he may be dissatisfied, and request that the matter in dispute may be submitted to the determination of a jury; or any person dissatisfied may, within one calendar month after such publication of the said boundaries, give notice in writing to the commissioners of such dissatisfaction, and of such particulars thereof, and of his intention to apply to the Queen's Bench to remove the determination of the commissioners or assistant commissioner, by *certiorari*, into the said court; and in every case in which any person shall have requested that the matter in dispute may be submitted to the determination of a jury as aforesaid, and no notice shall have been given to the commissioners by any person, within the time hereinbefore limited, of his intention to apply to the Court of Queen's Bench to remove the determination of the commissioners or assistant commissioners, by *certiorari*, as aforesaid, or such determination shall not have been removed within the time hereinafter limited, the commissioners shall and they are hereby required to issue a warrant under their hands and seal to the sheriff of the county in which the parishes and manors in question, or one of them, shall be situate, commanding such sheriff to impanel, summon, and return, and such sheriff is hereby accordingly empowered and required to impanel, summon, and return, a jury of at least eighteen sufficient and indifferent men, qualified according to the laws of the realm to be returned for trial of issues in Her Majesty's courts of record at Westminster; and the persons so to be impanelled, summoned, and returned are hereby required to appear before any assistant commissioner specially appointed by the commissioners for that purpose at such time and place as in such warrant shall be

Appeal on  
questions of  
boundary.

appointed, and to attend from day to day until duly discharged; and out of such persons so to be impannelled, summoned, and returned a jury of twelve men shall be drawn by the said assistant commissioner, or by some person to be by him appointed, in such manner as juries for trials of issues joined in Her Majesty's courts of record at Westminster are by law directed to be drawn; and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid such sheriff shall return other honest and indifferent men of the standers-by, or of others that can speedily be procured to attend that service (being so qualified as aforesaid,) to make up the said jury to the number of twelve; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said assistant commissioner is hereby empowered and required to summon before him all persons who shall be thought necessary to be examined as witnesses touching the matter in question, and may authorize or order the said jury, or any six or more of them, to view the boundaries, or the part thereof which is in controversy; and such jury shall upon their oaths, or being Quakers upon their affirmations (which oaths and affirmations, as well as the oaths and affirmations of all such persons as shall be called upon to give evidence, the said assistant commissioner is hereby empowered and required to administer), inquire into and ascertain the said boundaries, or such part thereof as shall have been in controversy, and shall declare whether the said boundaries, as described and set out and published as aforesaid, are or are not the true boundaries of the respective parishes and manors respectively, and in case they shall declare that the same are not the true boundaries, then shall declare in what manner the boundaries so described and set out and published as aforesaid ought to be amended, and shall give verdict accordingly; and the assistant commissioner shall reduce such verdict to writing, and certify the same to the commissioners, under his hand and seal; and in case such jury shall have declared that the boundaries so described and set out and published as aforesaid ought to be amended, the commissioners shall amend the same in accordance with such verdict, and such amended boundaries shall thenceforth be conclusive on all persons whomsoever (a).

\* \* \* \* \*

Costs of appeal.

XLII. In every case in which the verdict of a jury shall be given in favour of the person who shall have requested that such jury be summoned, all the costs of summoning such jury and the expences of witnesses shall be defrayed by the commissioners, and shall be expences in the inclosure in the matter of which the question shall have arisen, and such costs and

(a) See 6 & 7 Will. 4, c. 71, s. 64; Vict. c. 15, s. 28; and 5 & 6 Vict. 7 Will. 4 & 1 Vict. c. 69, ss. 2, 3; c. 54, s. 13.  
2 & 3 Vict. c. 62, ss. 34, 35; 3 & 4

expences shall be settled and determined by the said assistant commissioner as aforesaid ; but if the verdict of the jury shall be given against such person, the said costs and expences shall be defrayed by such person ; and in case such costs and expences shall not be paid to the party entitled to receive the same within ten days after the same shall have been demanded, then the same shall and may, by warrant of the commissioners, directed to any person or persons whomsoever, be levied by distress ; but in case such person shall have requested such jury to be summoned in pursuance of a resolution of the rate-payers of any parish in vestry assembled, the costs and expences so paid by him shall be repaid to him by the overseers of the poor of such parish, out of the poor's rate, and shall be allowed in account to such overseers.

\* \* \* \* \*

LXXIII. The valuer acting in the matter of any inclosure shall and may, in pursuance of the directions of or in any manner not inconsistent with the directions of the provisional order of the commissioners, or any Act hereafter to be passed, or the instructions given to such valuer as aforesaid, set out and allot such part of the lands to be inclosed as by such provisional order or Act or instructions respectively shall have been directed to be appropriated as a place of exercise and recreation for the inhabitants of the said parish and neighbourhood ; and such allotment shall, unless the same shall be otherwise awarded under the provision hereinafter contained, be made and awarded to the churchwardens and overseers for the time being of the parish in which the same shall be situated, and shall be held by the churchwardens and overseers for the time being of the said parish for the purposes aforesaid, and shall be in the first instance fenced, and, where occasion shall require, drained and levelled by the valuer, the expence in such case to be considered part of the expences of the inclosure, or shall be fenced by any person to whom adjoining land shall be allotted, as the valuer may direct ; and the fences of such allotment shall for ever afterwards be repaired and maintained and the surface thereof kept drained and level, by such churchwardens and overseers, or by the churchwardens or overseers of the several parishes interested therein, in such proportions and manner as shall be directed by the valuer out of the rents to be received for the herbage of the said allotment, or out of the poor rate of the said parish or respective parishes, or otherwise ; and the grass and herbage growing upon such allotment may be from time to time let by the churchwardens and overseers in whom the same shall be vested, and the rents which shall be received by them for the same shall be by them from time to time applied, in the first place, in maintaining and repairing the fences of the said allotment, and keeping the surface thereof drained and level, as aforesaid, and, subject thereto, in aid of the rates for the repair of the public highways in the said parish or respective parishes ;

Allotments for public purposes.

and the valuer shall in like manner set out and allot such part of the land to be inclosed as by such provisional order or Act or instructions as aforesaid shall have been directed to be appropriated as an allotment for the labouring poor unto the churchwardens and overseers of the poor of the parish in which such allotment shall be situate, subject nevertheless to a rent-charge to be payable thereout to any person or persons who may be entitled to allotments under such inclosure as hereinafter provided; and the said valuer shall in like manner, in pursuance of the directions of or in any manner not inconsistent with the directions of such provisional order or Act or instructions as aforesaid, set out and allot, for the other public purposes mentioned in such provisional order or Act or instructions as aforesaid, such parts of the lands to be inclosed as shall have been thereby respectively directed to be set apart for such purposes, and such allotments shall be made to such persons respectively, with such regulations and provisions as to the fencing, maintenance, use, and enjoyment thereof respectively, as the valuer, with the approbation of the commissioners, shall direct; and in every case in which the valuer, with such approbation of the commissioners, shall not think it necessary or proper to direct the same to be otherwise made, such allotments shall be made to the churchwardens and overseers of the poor for the time being of the parish in which such allotments shall be situate; and all allotments which shall be made to the churchwardens and overseers under this Act shall be held by the churchwardens and overseers of the poor for the time being in the same manner and with the same legal powers and incidents as if the same allotments were lands belonging to the parish, but in trust nevertheless for the purposes for which the same shall be allotted, and subject, as to the said allotment for the labouring poor, to the provisions in relation thereto hereinafter contained, and as to all other such allotments, subject to such directions for the maintenance, fencing, management, and use thereof as the valuer, with the approbation of the commissioners, may think fit.

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Allotments for the labouring poor may be made subject to a corn rent-charge, to vary and be recoverable as a tithe rent-charge.

LXXV. Every allotment which shall be made and awarded for the labouring poor may be so awarded subject to and chargeable with a clear rent-charge or clear rent-charges, not exceeding in the whole the net annual value of the allotment in its actual condition at the time of making the same; and every such rent-charge shall be deemed at the time of the confirmation of the award to be of the value of such number of imperial bushels and decimal parts of an imperial bushel of wheat, barley, and oats as the same would have purchased at the average prices during the seven years ending on the Thursday next before Christmas Day one thousand eight hundred and thirty-five, as the same were ascertained by the advertisement inserted in the *London Gazette* under the provisions of the Act of the seventh year of King William the Fourth, intituled, "An

Act for the Commutation of Tithes in England and Wales," in 6 & 7 Will. IV. case one-third part of such rent-charge had been invested in the purchase of wheat, one-third part thereof in the purchase of barley, and the remaining third part thereof in the purchase of oats, and the respective quantities of wheat, barley, and oats so ascertained shall be stated in the award; and every such rent-charge shall be paid by equal half-yearly payments on the first day of July and the first day of January, the first of such half-yearly payments to be made on the first of such half-yearly days after the expiration of three years from the date of the confirmation of such award; and such sum of money shall be payable in respect of such yearly rent-charge as according to the prices ascertained by the then next preceding advertisement for the purposes of the said Act of the seventh year of King William the Fourth would have been payable in respect of a rent-charge of like amount charged on lands under the provisions of such Act; and the sum of money thenceforth payable in respect of such rent-charge charged under the provisions of this Act shall vary so as always to consist of the price of such number of bushels and decimal parts of a bushel of wheat, barley and oats respectively, according to the next preceding advertisement for the time being, in like manner as if the same had been a rent-payable under the provisions of the said Act of the seventh year of King William the Fourth; and the persons entitled to any rent-charge charged under the provisions of this Act shall have the same powers and remedies for enforcing payment thereof in all respects as are by the said Act of the seventh year of King William the Fourth, or by any Act for amending the same, given to the persons entitled to rent-charges charged under the said Act of the seventh year of King William the Fourth for recovering and enforcing payment of such last-mentioned rent-charges; and nothing herein or in such award contained shall render any person personally liable to the payment of any rent-charges to be charged under the provisions of this Act: Provided always, that when such allotment, or any part thereof, shall be let and occupied as gardens under the provisions hereinafter contained, the person for the time being entitled to the rent-charge charged thereon shall not distrain for such rent-charge on the occupiers of such gardens, but the person so entitled may, in case such rent-charge shall be in arrear, give notice to the occupiers of such gardens, and to the allotment wardens, or any of them, and shall thenceforth, until the arrears of such rent-charge, with all expences occasioned by the non-payment thereof, shall be fully paid, be entitled to receive all the rent which after such notice shall accrue in respect of such gardens, and shall have the same remedies for recovering such rent, and the same powers of determining the tenancy of such occupiers, and of letting and dealing with such allotment, as such allotment wardens would have had in case such rent-charge had not been in arrear; and in case the said allotment wardens, or any of them, after such notice shall have

been given to them as aforesaid, and before the arrears of such rent-charge, with all such expences as aforesaid, shall have been fully paid, shall receive any rent from the occupiers of such gardens, such of the allotment wardens as shall have received such rent shall, on demand, pay to the person then entitled thereto the arrears of the said rent-charge then remaining unpaid; and the expences occasioned by the non-payment thereof; and in default of such payment, on demand, such arrears of rent-charge and expences may be recovered from the allotment wardens liable to pay the same as penalties are recoverable under this Act.

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Allotment of  
residue.

LXXVII. After the several allotments hereinbefore directed shall have been set out and made, and after making provision for all or any part of the expences of the inclosure by sale of lands, in case all or any part of the expences shall be so directed to be paid, the valuer acting in the matter of the inclosure shall divide, allot, and award all the remainder of the land to be inclosed unto and amongst the several persons who shall be interested therein, in such shares and proportions as he shall adjudge and determine to be proportionate to the value of their respective rights and interests which shall have been claimed and allowed under the provisions hereinbefore contained.

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Allotment for  
the labouring  
poor shall be  
managed by  
the allotment  
wardens.

CVIII. The allotment which upon any inclosure under this Act shall be made for the labouring poor shall be under the management of the incumbent of the parish or ecclesiastical district in which such allotment shall be situate (or the officiating minister for the time being nominated by the incumbent for that purpose), the churchwarden, if there be but one, or (if there be more than one) one of the churchwardens for the time being of such parish, and two other persons who shall be rated to the relief of the poor in such parish; and such churchwarden, where there is more than one churchwarden, shall be yearly named, and such two other persons shall be yearly chosen and appointed, at the same time, and by the same persons, and in the same manner, as the overseers of the poor for such parish shall be chosen and appointed, and shall continue in office in like manner until the next appointment of overseers, or until others are named and chosen and appointed in their stead; and such incumbent (or officiating minister), churchwarden, and two other persons for the time being shall be styled "The Allotment Wardens" of the parish, and shall manage and let the said allotment as hereinafter provided, and all things by this Act authorized to be done by such allotment wardens may be done by any two of them, and in the event of the death or retirement from office of any one or more of the said allotment wardens the surviving or continuing wardens may act as if no such vacancy had happened.

CIX. The allotment wardens shall from time to time let the allotment under their management in gardens not exceeding a quarter of an acre each to such poor inhabitants of the parish for one year, or from year to year, at such rents, payable at such times, and on such terms and conditions, not inconsistent with the provisions of this Act, as they shall think fit: Provided always, that the commissioners may frame such regulations, not inconsistent with the provisions of the Act, for the letting of such allotments as aforesaid, as they may think advisable, and such regulations shall be obligatory on the allotment wardens during five years from the date thereof, or during such shorter period as the commissioners shall direct: Provided also, that the gardens so to be let shall be let free of all tithe or tithe rent-charge (if any), rates, taxes, and assessments whatsoever, and shall before the first letting thereof, and once at least in every ten years after such first letting, be valued by a competent person to be appointed by the allotment wardens for that purpose, who shall estimate the full rent which the same would be worth to be let by the year for farming purposes, all tithes or tithe rent-charge, rates, taxes, and assessments, being borne by the landlord, and shall verify such valuation by solemn declaration under the statute; and the rent at which the same gardens respectively shall be let shall be not below the full yearly value of the land according to the last of such valuations; and the allotment wardens shall, for the purposes of all rates and taxes, be deemed the occupiers of such allotment, and shall pay all rates and taxes, tithes and tithe rent-charge (if any), in respect thereof: Provided always, that no building whatsoever shall, under any such letting as aforesaid or otherwise, on any pretence, be erected for or used as a dwelling on any such garden or on any part of any such allotment; and in case any such building shall be erected or used as aforesaid contrary to this provision, the allotment wardens shall forthwith pull down the same, and sell and dispose of the materials thereof, and the produce of such sale shall be applicable in like manner as the rents of such gardens.

CX. If the rent reserved upon the letting of any garden by the allotment wardens shall at any time be in arrear for forty days, or if at any time during the tenancy, being not less than three calendar months after the commencement thereof, it shall appear to the allotment wardens that the occupier of such garden shall not have duly observed the terms and conditions of his tenancy, or shall have gone to reside more than one mile out of the parish, then and in every such case the allotment wardens shall serve a notice upon such occupier, or in case he shall have gone to reside out of the parish shall affix the same to the door of the church of the parish, determining the tenancy at the expiration of one month after such notice shall have been so served or affixed, and thereupon such tenancy shall be determined accordingly: Provided always, that in every such

Such allotments how to be let.

Recovery of gardens on non-payment of rent, &c.

case the allotment wardens or their incoming tenant shall pay to the occupier whose tenancy shall have been so determined a fair recompence in money for any crops (not being crops prohibited by the terms of such tenancy) which may be growing on such garden at the time of such determination, and for any manure left on such garden, or any benefit accruing from the manuring of such garden to the wardens or their incoming tenant; and the justices to whom application may be made for a warrant to give possession of such garden shall settle the amount of such recompence, in case the parties differ about the same, and stay the execution of such warrant until the same shall have been paid or tendered, or (in case such occupier be absent) until the payment thereof shall have been secured to the satisfaction of such justices.

Possession  
how to be  
recovered  
from tenant  
holding over.

1 & 2 Vict.  
c. 74.

CXI. In case upon the determination of any such tenancy as aforesaid the occupier of any such garden shall refuse to quit and deliver up possession thereof, or if any other person shall unlawfully enter upon, take, or hold possession of any such garden, or of any part of such allotment, the allotment wardens may recover possession according to the mode prescribed by an Act passed in the second year of the reign of Her Majesty Queen Victoria, intituled, "An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy," in such and the same manner as if the said wardens were landlords or a landlord, and as if such over-holding occupier or other person were a tenant neglecting or refusing to quit and deliver up possession, within the meaning of the last-mentioned Act.

Rents of allot-  
ment how to  
be applied.

CXII. All rents payable in respect of the allotment under the management of the allotment wardens shall be payable to such wardens, who shall have the same remedies for recovery thereof by distress and otherwise as if the legal estate of and in such allotment were vested in them under this Act; and such rents shall be applicable, in the first place, to the payment of all rates, taxes, tithes, tithe rent-charge, and of the rent-charge charged on such allotment under the provisions of this Act, and of all expences incurred by the allotment wardens in the execution of their trusts and powers under this Act; and the residue, if any, of such rents, shall be paid to the overseers of the poor, in aid of the poor rates of the parish, and be applicable in the same manner as and subject to all the provisions concerning the monies assessed for the relief of the poor.

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Inconvenient  
allotments for  
the poor and  
public pur-  
poses may be  
exchanged for  
land more  
convenient.

CXLIX. Where, under the powers of any inclosure Act, any allotment shall have been made in trust for the poor inhabitants of any parish, or of any class of such poor inhabitants, or in trust to be leased, used, or enjoyed to or by or upon any other trusts for the benefit of such poor inhabitants, or for the purposes of exercise and recreation, or for any other public or parochial purpose, and it shall appear to the commissioners

that such allotment, by reason of its distance from the dwellings of such poor inhabitants, or from the nature or quality of the soil, or otherwise, shall not be convenient or suitable for the purposes for which the same shall have been made, it shall be lawful for the commissioners, upon the application in writing of the churchwardens and overseers of the poor of the parish in which such allotment shall be situate, or of the trustees for the time being of such allotment, and of the person interested in land more convenient or suitable for the purposes for which such allotment shall have been made, and who may be willing to give such land in exchange for such allotment, in case the commissioners shall be of opinion that such exchange would be beneficial to the poor inhabitants or other persons for whose benefit or more suitable to the purposes for which such allotment was made, to cause to be framed and to confirm an order of exchange of such allotment for such other land as aforesaid; and the provisions herein contained concerning exchanges shall apply to such allotment as if such churchwardens and overseers or trustees respectively were the persons interested in such allotment.

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### 9 & 10 VICT. CHAP. 66.

AN ACT to amend the Laws relating to the Removal of the  
Poor (a). [26th August, 1846.]

“WHEREAS it is expedient that the laws relating to the removal of the poor should be amended;” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act no person shall be removed, nor shall any warrant be granted for the removal of any person from any parish (b) in which such person shall have resided (c) for five years next (d) before the application for the warrant (e): Provided always, that the time during which such person shall be a prisoner in a prison or shall be serving Her Majesty as a soldier, marine, or sailor, or reside as an in-pensioner in Greenwich or Chelsea hospitals, or shall be confined in a lunatic asylum, or house duly licensed or hospital registered

No person to be removed from any parish in which he or she shall have resided for five years.  
  
Time during which persons are serving in the army or navy, &c.

(a) See 10 & 11 Vict. c. 110.

(b) See 30 & 31 Vict. c. 106, s. 30.

(c) See 27 & 28 Vict. c. 105.

(d) See 24 & 25 Vict. c. 55, ss. 1-3;  
28 & 29 Vict. c. 79, s. 8; 29 & 30

Vict. c. 113, s. 17; 29 & 30 Vict.  
c. 118, s. 31.

(e) See 14 Car. 2, c. 12, ss. 1-3;  
35 Geo. 3, c. 101. Also 11 & 12 Vict.  
c. 116, s. 4; 14 & 15 Vict. c. 105,  
s. 12.

for the reception of lunatics, or as a patient in a hospital, or during which any such person shall receive relief from any parish (a), or shall be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a *bonâ fide* charitable gift, shall for all purposes be excluded in the computation of time hereinbefore mentioned, and that the removal of a pauper lunatic to a lunatic asylum, under the provisions of any Act relating to the maintenance and care of pauper lunatics, shall not be deemed a removal within the meaning of this Act: \* \* \* (b).

(a) See 12 & 13 Vict. c. 103, s. 4. (b) See 11 & 12 Vict. c. 111, s. 1.

#### RESIDENCE.

##### *Decisions on sect. 1.*

"Residence" denotes the place where an individual eats, drinks, and sleeps, or where his family or his servants eat, drink and sleep. *Per Coleridge, J.*—"Under the Poor Law Acts 'residence' means where the pauper sleeps." *Per Erle, J.*—"It is as old as Lord Coke's time that a person was a resident for the purposes of being rated, although he had never been upon the land. If the matter were worth inquiring into, it would be found that a technical meaning was first given to the word when the freeholders of a tithing were responsible for the conduct of all persons residing within it. It was therefore necessary to ascertain whether a person within it was a guest or a commonant. So is the origin of fixing a district with the maintenance of paupers. The question was, whether the pauper came there with the intention of becoming a resident, or merely with the intention of proceeding on. If they did not look after him, he became a resident; and hence 'residence' came to mean the place where he slept. This is the narrow construction for the purposes of the poor law:" *Blackwell v. England*, 27 L. J. Q. B. 126; see also *Rex v. North Currey*, 4 B. & C. 953.

Under 3 & 4 Will. 4, c. 42, s. 8, the word "residence" was held to mean home or domicile: *Lambe v. Smythe*, 15 L. J. Exch. 287.

A person may be said to have more than one residence. If he have houses at different places, at each of which he keeps an establishment, each may be called his residence, though he may not go there for years: *Walcot v. Botfield*, 1 Kay, 534; 18 Jur. 570.

Residences before and after the 9 & 10 Vict. c. 66, were to be added together so as to make up the five years' residence: *Reg. v. Harrow-on-the-Hill*, 12 Q. B. 103; 17 L. J. M. C. 148; 12 J. P. 584; 3 N. S. C. 232; 12 Jur. 518.

The 9 & 10 Vict. c. 66, s. 1, does not apply where there has been a residence by the pauper out of the parish at any time during the five years preceding the order of removal: *Reg. v. Salford*, 17 L. J. M. C. 170; 12 Jur. 790; 3 N. S. C. 286.

Residence by a pauper for five years next before the application for the order of removal, partly as wife and partly as widow, is sufficient to render her irremovable under 9 & 10 Vict. c. 66, s. 1: *Reg. v. Glossop*, 17 L. J. M. C. 171; 12 Q. B. 117; 12 J. P. 597; 12 Jur. 794; 3 N. S. C. 256.

Periods during which pauper was an inmate of the workhouse, and was in a prison out of the union, were to be excluded from the computation of residence conferring irremovability: *Reg. v. St. Andrew, Holborn*, 17 Q. B. 753, 764; 16 Jur. 244; 21 L. J. M. C. 69; 16 J. P. 182.

RESIDENCE—*continued.*

The residence of a woman, before, during, and after her marriage, in a *Decisions on* parish not the settlement of her husband, confers irremovability; as, though *sect. 1.* the marriage altered her settlement, it did not affect her irremovability: *Reg. v. Stowmarket*, 17 J. P. 84; 4 E. & B. 904; 17 Jur. 758.

A pauper, irremovable from B., met with an accident in C., and was taken to the workhouse of C., where he remained till he recovered from the accident, and afterwards. It was held that at the date of the order removing him, he was to be considered as inhabiting C., and not as casual poor, and removable to W., notwithstanding his status of irremovability acquired in B.: *Reg. v. Cuckfield*, 5 E. & B. 523; 25 L. J. M. C. 4; 20 J. P. 196; 26 L. T. 58; 1 Jur. (N. S.) 1047.

With reference to the Common Law Procedure Act, 1852, it has been held, that a person holding himself out on a card, published by himself, as carrying on business at 38, Watling Street, is *prima facie* evidence that he is resident there: *Naef v. Mutter*, 9 Jur. (N. S.) 384. See also *Kerr v. Haynes*, 6 Jur. (N. S.) 169; 29 L. J. (N. S.) Q. B. 70; 2 L. T. (N. S.) 11; 24 J. P. 182, as to place of business and sea-side house where family reside, with reference to the county court jurisdiction.

A pauper, having resided more than three years in the parish of his settlement, went to reside in another parish in the same union, and on his becoming chargeable, after a residence there of a few months, an order was made to remove him to his parish of settlement, and it was held (by Cockburn, C. J., and Shee, J., Crompton, J., dissenting) that the order was rightly made; for that the pauper had not become irremovable under 24 & 25 Vict. c. 55, s. 1, and 9 & 10 Vict. c. 66, s. 1, by reason of his residence in his parish of settlement, though in the same union as the other parish. (The effect of this decision has, however, been corrected by 27 & 28 Vict. c. 105, s. 1): *Reg. v. Salkeld*, 10 L. T. (N. S.) 524; 33 L. J. (N. S.) M. C. 185; 5 B. & S. 377.

Residence in a parish, to constitute irremovability, need not be in a house, or in any place ordinarily applied to house habitation. Sleeping in the open air will constitute such residence if for the requisite period. Where, therefore, a destitute woman, who had resided for sixteen years in a parish, at the latter end of her residence gave up her lodgings and wandered about the parish by day, sleeping on the steps of doors of houses, and then for three weeks sleeping in a refuge for houseless poor in an adjoining parish, but returning each day to the other parish until she obtained admission into the workhouse of that parish, it was held that she had acquired the status of irremovability in such parish: *Reg. v. St. Leonard, Shoreditch*, 13 L. T. (N. S.) 278; 29 J. P. 728; 35 L. J. M. C. 48; 12 Jur. (N. S.) 292; 6 B. & S. 784.

## BREAK OF RESIDENCE—ANIMUS REVERTENDI.

The removal of a pauper under an order of removal entirely puts an end to residence in the removing parish: *Reg. v. Halifax*, 17 L. J. M. C. 158; 12 Q. B. 111; 12 Jur. 789; 3 N. S. C. 268.

An order of removal unappealed against and acted upon, puts an end to the residence of the pauper in the parish from which the removal is made, however short the subsequent residence in the parish to which the pauper is removed may be: *Reg. v. Seend*, 12 Jur. 939; 3 N. S. C. 276; 12 Q. B. 133; 18 L. J. M. C. 12; 13 J. P. 232.

Where pauper left his wife and family in lodgings, which he had taken for them in N., whilst he went to get work in T., and afterwards returned to his family in N., whom he had maintained during his absence, it was held, that there had been no disruption of residence in N., as it was clearly to be inferred from the facts that there was an *animus revertendi* to N.

BREAK OF RESIDENCE—ANIMUS REVERTENDI—*continued.*

*Decisions on  
sect. 1.*

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during the pauper's residence in T. The question whether there has been an *animus revertendi* in cases of this sort, is a question of fact which should be decided by the sessions: *Reg. v. Tacolnestone*, 12 Q. B. 157; 18 L. J. M. C. 44; 13 J. P. 268; 13 Jur. 8; 3 N. S. C. 353.

The removal of a pauper to the place of his settlement breaks his residence in the place from which he was removed: *Reg. v. Barnsley*, 18 L. J. M. C. 170; 12 Q. B. 193.

It must be a present and not a mere distant intention of returning. If a man goes away from his residence, intending after a temporary object is served to return thence, his absence is but temporary. But if he has what may be called a residence elsewhere, and does not intend to go back unless events over which he has no control occur, that is a permanent absence and operates to break the former residence. *Per* Crompton, J.—“An absence for a merely temporary purpose, with an intention to return, would be no break of residence; but an intention to return at a remote period, after a permanent absence, is not sufficient to prevent the absence from being a break: *Reg. v. Stapleton*, 22 L. J. M. C. 102; 1 E. & B. 766; 17 Jur. 549; 17 J. P. 472; 21 L. T. 73.

A married woman whose husband was a Scotchman had, during the absence of her husband, who had sailed on a voyage to Calcutta, without leaving sufficient means of support for his family, become chargeable to the parish in which she was residing. She had acquired a maiden settlement in England: Held, that this was such an absence on the part of the husband, as amounted to a desertion of his wife, and that she might therefore be removed to the place of her maiden settlement: *Reg. v. St. Marylebone*, 20 L. J. M. C. 61; 16 Q. B. 352; 15 J. P. 208.

The departure of a pauper from a parish procured by parish officers with intent to cause him to become chargeable to another parish, in violation of 9 & 10 Vict. c. 66, s. 6, will not operate as a break of his residence in the parish from which he so departs, so as to interfere with his irremovability under the first section of the Act. In such a case the illegal intent must be expressly found by the sessions, as the court will not infer it from the evidence stated in the case: *Reg. v. St. Marylebone*, 4 N. S. C. 444; 20 L. J. M. C. 173; 16 Q. B. 299.

The absence of a person from a parish in which he is residing, in consequence of an imprisonment out of the parish, is not of itself such an interruption of the residence as would prevent his becoming irremovable by residence including the time of imprisonment, if an intention to return at the expiration of the imprisonment exists throughout it: *Reg. v. Holbeck*, 16 Q. B. 404; 20 L. J. M. C. 107; 15 J. P. 227; 4 N. S. C. 501.

A disruption of the husband's residence, renders the wife and children removable, notwithstanding their unbroken personal residence in the respondent parish: *Reg. v. Llanelly*, 17 Q. B. 40; 15 Jur. 10; 20 L. J. M. C. 179; 4 N. S. C. 699; 15 J. P. 534.

A pauper had lived five years in a parish, not that of her settlement, when she became chargeable, and an order was made for her removal. At the commencement of the five years, her husband resided with her in the parish; but he left her during the five years and went to live in America, without *animus revertendi*. During the five years, and before the order of removal, he died: Held, that the pauper was not irremovable under 9 & 10 Vict. c. 66, s. 1, or 11 & 12 Vict. c. 111, s. 1: *Reg. v. Manchester*, 17 Q. B. 46; 22 Jur. 9; 15 J. P. 755.

Where a valid order of removal has been *bonâ fide* executed, the removal operates as an interruption of the residence within 9 & 10 Vict. c. 66, s. 1, however short the period during which the pauper was actually absent from

BREAK OF RESIDENCE—ANIMUS REVERTENDI—*continued.*

the removing parish: *Reg. v. Caldecote*, 17 Q. B. 52; 20 L. J. M. C. 187; *Decisions on sect. 1.* 15 J. P. 517.

An Irishman, having no settlement in England, who would have been irremovable had he remained in the parish, deserted his wife and family, and they were held removable to the maiden settlement of the wife: *Much Hoole v. Preston*, 17 Q. B. 548; S. C. *Reg. v. Much Hoole*, 21 L. J. M. C. 1; 16 J. P. 212; 15 Jur. 1152.

Though there may be an intention to return to a parish where a man has left his wife, yet the circumstances attending his absence may constitute a break of residence. *Per Coleridge, J.*—Many young men leave this country for India, and stay there twenty years, intending all the time to return to their father's home: *Reg. v. Kempnett Thrubwell*, 17 J. P. 83.

Temporary absence out of a parish where the pauper resides, for the purpose of fulfilling a contract, but with the intention of afterwards returning, is not a break of residence: *Reg. v. Brighthelmstone*, 24 L. T. 92; 4 E. & B. 236; 1 Jur. (N. S.) 138; 24 L. J. M. C. 41; 19 J. P. 132.

A residence of five years in an extra-parochial place, part of which residence was before 20 Vict. c. 19, came into operation, does not confer the status of irremovability; that Act having no retrospective operation: *Reg. v. St. Sepulchre, Northampton*, 33 L. T. 120; 5 Jur. (N. S.) 867; 28 L. J. M. C. 187; E. & E. 813.

Imprisonment in England, under a sentence of penal servitude, is an imprisonment within 9 & 10 Vict. c. 66, s. 1, and is not a break of residence: *Reg. v. Potter Hanworth*, 1 E. & E. 262; 4 Jur. (N. S.) 1277; 28 L. J. M. C. 56; 32 L. T. 158; 23 J. P. 564.

Under the Bankruptcy Laws it has been held that a periodical absence for business purposes constitutes no break of residence: *In re Wright*, 1 L. T. (N. S.) 47.

An absence for a mere temporary purpose, with an intention to return at a remote period after a permanent absence, is not sufficient to prevent the absence from operating as a break in the residence: *Wellington v. Whitchurch*, 8 L. T. (N. S.) 456; 27 J. P. 644; 10 Jur. (N. S.) 37; 32 L. J. M. C. 189; 4 B. & S. 100.

A pauper having occupied lodgings in a parish, left the parish, intending to return as soon as his trade became better; he did not retain his lodgings, but left some old clothes there in the hands of his landlord, and in his absence his lodgings were not occupied, and he could have had them at any time on his return. After three months' absence he returned; but it was held that he was not constructively resident in the parish during the three months, and that the absence formed a break in the residence: *Reg. v. Stourbridge*, 34 L. J. M. C. 179; 12 L. T. (N. S.) 542; 11 Jur. (N. S.) 799.

A. B., who lived with her mother in parish C. for more than three years, hired herself as a domestic servant with a person in the parish of D., it being agreed that she should serve her mistress for a month upon trial, and at the end of that time, if both parties agreed, she was to continue in the service. At the end of the first month she left the service, and returned to her mother. She had no right so to return, nor had she left anything at her mother's house when she went into service. This temporary absence, the court held, constituted a break of residence: *Reg. v. Glossop*, 13 L. T. (N. S.) 672; 1 L. R. Q. B. 227; 35 L. J. M. C. 148.

Residence in a school which is a charitable institution is not a break of residence so as to defeat the status of irremovability: Pauper, illegitimate, was born in the appellant union, where his mother afterwards married, the pauper living with and being maintained by her and his stepfather there until their subsequent removal to the respondent

BREAK OF RESIDENCE—ANIMUS REVERTENDI—*continued.*

*Decisions on  
sect. 1.*

union in June, 1861, where they have since resided. In 1862, being then upwards of 15 years of age, the pauper was elected and admitted a pupil in the "School for the Indigent Blind," in St. George's Fields, Southwark, the said school being a charitable institution, supported by voluntary subscriptions, out of the funds of which the pupils are gratuitously clothed, maintained, and educated. On the 19th of June, 1868, being then upwards of 21 years of age, he was discharged, in accordance with the regulations of the school, and returned to his mother and stepfather by whom he was maintained and lodged as before, until March, 1869, when he became chargeable to the respondent union. An order having been obtained for his removal to the appellant union, it was held that he had acquired the status of irremovability, and therefore could not be removed: *Reg. v. Abingdon*, 39 L. J. M. C. 153; 22 L. T. (N. S.) 602.

Where the status of irremovability by virtue of a year's residence is shown to have existed, it is for the party alleging that it has ceased to exist to prove that to be the case. The leaving a residence, which has conferred the status of irremovability, must be the voluntary act of the party; therefore, where a pauper lunatic, who was irremovable by residence in union R., whilst continuing there became insane, and her mother took her away into the union of S., where an order was made for her maintenance upon the union of her settlement at W., it was held that the pauper had not lost her status of irremovability in union R., and the order was therefore bad: *Reg. v. Whitby*, L. R. 5 Q. B. 325; 22 L. T. (N. S.) 336.

A pauper lived in the respondent's union, before the 25th March, 1867, long enough to obtain a status of irremovability. On that day he was admitted into the respondent's workhouse, and he remained there until the 27th May, 1868, when he voluntarily took his discharge, and on the same day became an inmate of an hospital in another union. On the 31st December, 1868, he was discharged from the hospital and took a lodging in the respondent's union, where he remained until the 20th January, 1869, when he was again admitted into the respondent's workhouse: Held, that independently of the exception by 9 & 10 Vict. c. 66, s. 1, of time spent in an hospital, the pauper had a constructive residence in respondent's union during his temporary absence, although he had no specific lodging or house to return to; and therefore his status of irremovability was not destroyed, and an order for his removal to the place of his last legal settlement was bad: *Guildford Union v. St. Olave's Union*, 25 L. T. (N. S.) 803.

Where a pauper has no legal right to return to the house of a relative, a status of irremovability is not acquired: *Knaresborough Union v. Pateley Bridge Union*, 25 L. T. (N. S.) 590.

## SOLDIERS AND SAILORS.

The wife and children of a marine might be removed, notwithstanding 9 & 10 Vict. c. 66, and 11 & 12 Vict. c. 111, though the husband, if present, could not have been removed in consequence of his being a marine; inasmuch as the proviso in that latter statute only prohibits the removal of the wife or children of a person who had acquired the status of irremovability under 9 & 10 Vict. c. 66: *Reg. v. East Stonehouse*, 3 E. & B. 596; 23 L. J. M. C. 137; 25 L. T. 66.

A militiaman is a soldier within the meaning of the proviso to 9 & 10 Vict. c. 66, s. 1, and his absence for the purpose of training as a militiaman is no break in his residence, so as to deprive him of his status of irremovability: *Horton v. Leeds*, 5 E. & E. 595; 25 L. J. M. C. 38; 1 Jur. (N. S.) 1162; 20 J. P. 198; 26 L. T. 73.

A woman having a settlement, but having resided more than a year in another parish, married a foreign sailor having no settlement. They resided

SOLDIERS AND SAILORS—*continued.*

together in the same parish until he left in the usual course of his occupation as a sailor, intending to return, but not having made any provision for his wife's maintenance. She continued to reside in the same parish and became chargeable thereto. At this time the husband had not resided one year in the parish: Held, that the woman was irremovable under 9 & 10 Vict. c. 66, s. 1, and 28 & 29 Vict. c. 79, s. 8, by reason of her continuous residence before and during marriage, and that she was not affected by the proviso to 11 & 12 Vict. c. 111, s. 1: *Reg. v. St. George-in-the-East*, L. R. 5 Q. B. 364; 39 L. J. M. C. 90; S. C. *Reg. v. St. George, Middlesex*, 22 L. T. (N. s.) 440.

*Decisions on  
sect. 1.*

Where a wife and her children had resided for upwards of five years or more in the parish of R., during which time her husband (an Irishman) was absent, serving Her Majesty as a soldier, it was held, that the wife and children had not acquired a status of irremovability in the parish of K. under 9 & 10 Vict. c. 66, s. 1, and 11 & 12 Vict. c. 111: *Reg. v. Kingston*, 21 L. T. (N. s.) 488.

A man and his wife resided in a parish until they had acquired a status of irremovability. The husband then enlisted as a soldier and went abroad on military service, accompanied by his wife. He died abroad in the service, and his widow returned to the parish where they had formerly resided. The court held, that the status of irremovability which she enjoyed during the lifetime of her husband was gone, and that she was liable to be removed: *Easton v. St. Mary's, Marlborough*, 36 L. J. M. C. 41; 2 L. R. Q. B. 128.

## CHILDREN.

In January, 1844, a child was born in the township of E., the father having resided there more than five years; the family continued to reside there, and in July, 1847, the mother becoming chargeable as a lunatic, an order was made adjudging her settlement to be in S. She remained in an asylum chargeable to S. for some years, and was afterwards removed to S., where she was maintained by that parish till her death. The child and father continued to reside in E., where he died in December, 1857, and the child remaining there became chargeable in February, 1858. In October, 1858, the mother died, and in December, 1858, an order was made for the removal of the child to S. Under this state of circumstances, it was held that the child was irremovable: *Reg. v. Elvet*, 33 L. T. 202; 23 J. P. 807; 5 Jur. (N. s.) 1350; 29 L. J. M. C. 17; 2 E. & B. 266.

A widow whose parish of settlement was Aughton, but who was irremovable from Leeds by a five years' residence, had three children, and being unable to maintain them, the Leeds board of guardians made an order for the admission of such three children into the workhouse. A few weeks afterwards, the overseers of Leeds obtained an order for the removal of the children to Aughton. The object of the board of guardians in sending them to the workhouse was their removal to their place of settlement. They were sent there with the consent of their mother, but she was not informed that the result of separating her children from her would be their removal to Aughton. Each of the children at the time of their removal was under seven years of age: Held, that under the circumstances, the separation of the children from their mother was a fraud upon her, and that the order of removal was bad; also that, as the children were within the age of nurture, the mother could not consent to their separation from her: *Reg. v. Aughton*, 25 J. P. 711; 4 L. T. (N. s.) 244.

A pauper aged 30 had always lived with her father and mother, being unable to take care of herself. The father had lived in parish M. more than five years when he died in 1856. The pauper then lived with the mother till 1858, when the pauper went into the workhouse, and while in

## CHILDREN—continued.

*Decisions on  
sect. 1.*

the workhouse the mother, who had acquired no settlement in her own right, went to reside in parish C. In 1860, the pauper was sent from the workhouse to the county lunatic asylum: Held, that the pauper's status of irremovability followed the mother's, and as at the date lunatic was sent to the asylum, the mother, by breaking her residence, was removable, so was the lunatic, and therefore the parish of the father's settlement was chargeable with the maintenance: *Reg. v. St. Mary Arches, Exeter*, 5 L. T. (N. S.) 637; 31 L. J. M. C. 77; 8 Jur. (N. S.) 457; 1 B. & S. 890; 26 J. P. (N.) 67, 356.

The 4 & 5 Will. 4, c. 76, s. 56, is a legislative exposition of what relief to children shall be relief to the parents so as to render the latter removable; and therefore where a pauper lunatic above the age of 16 is confined in a lunatic asylum, that is not relief to the parent so as to reduce the period of the parents' residence and render him or her removable. *Quare*, whether if the child had been under 16, her maintenance in the asylum at the charge of the parish would have been relief to the mother: *Reg. v. St. Mary, Islington*, 8 B. & S. 46; 26 J. P. 661; 6 L. T. (N. S.) 606; 9 Jur. (N. S.) 155; 31 L. J. M. C. 233.

A., who was the illegitimate son of B., was born in union C. His mother afterwards married and went with A. and her husband to live in union D., where they continued afterwards to reside. A. resided with them there more than a year, and was sent to a blind school in London, where he resided till he was over 21, when he returned to live with his mother in union D. Having become chargeable to D., an order was obtained for his removal to C., as the union in which he was born; but it was held that he had become irremovable from D. as having resided there more than a year: *Reg. v. Abingdon*, 22 L. T. (N. S.) 603; 39 L. J. M. C. 153.

## EFFECT OF PROVISOS.

The second proviso in 9 & 10 Vict. c. 66, must be construed with reference to cases where the husband or parent is removable by law, and it does not render a wife or children irremovable in cases where the husband or parent cannot practically be removed by reason of absence from the parish, or other causes. Therefore, a deserted wife and children are removable: *Reg. v. St. Ebbe*, 12 Q. B. 137; 18 L. J. M. C. 14; 13 J. P. 216; 12 Jur. 1002; 3 N. S. C. 308.

The provisos in 9 & 10 Vict. c. 66, s. 1, though worded in the future tense had a retrospective operation as well as the enacting part of the section: *Reg. v. Christchurch*, 12 Q. B. 149; 18 L. J. M. C. 28; 3 N. S. C. 320; 12 J. P. 792.

The effect of the proviso in 9 & 10 Vict. c. 66, s. 1, is to render a wife removable whenever her husband, if he had returned to her and become chargeable, would be removable: *Reg. v. Pott Shrigley*, 3 N. S. C. 317; 12 Q. B. 143; 18 L. J. M. C. 33; 12 J. P. 788.

Relief given to a parent on account of his children is relief received by the children within the proviso of 9 & 10 Vict. c. 66, s. 1: *Reg. v. Shavington-cum-Gresty*, 17 Q. B. 48; 20 L. J. M. C. 194; 15 J. P. 499; 4 N. S. C. 676.

The first proviso in 9 & 10 Vict. c. 99, s. 1, that the several periods of time there specified shall for all purposes be excluded in the computation of time necessary to confer irremovability, has the effect of excluding those specified periods in computing whether the pauper has resided altogether five years (now one year) in the parish (union), and also whether he has resided there for five years (one year) next before the application for the order of removal, and such periods of time are neither to tell in making up the five years (one year), nor to operate as a break in the residence if altogether

EFFECT OF PROVISOS—*continued*.

it has continued for five years (one year). The expression in the proviso, *Decisions on* "the time during which such person shall be a prisoner in a prison," includes *sect. 1.* all lawful imprisonments in any prison, whether in or out of the parish (union) of residence, without distinction of felony, misdemeanor, or debt: *Reg. v. Salford* (12 Q. B. 106; 17 L. J. M. C. 170), in which it was held that the section did not apply where there had been a residence out of the parish at any time during the five years preceding the order; *Reg. v. Hartfield*, 17 Q. B. 746, 759; 21 L. J. M. C. 65; 16 J. P. 181.

A girl above 16, but not emancipated, was held to fall within the proviso to s. 1 of 9 & 10 Vict. c. 66, and to follow the status of her father, though she herself had been sent to a lunatic asylum: *Reg. v. St. Anne, Blackfriars*, 2 E. & B. 440; 17 Jur. 221; 22 L. J. M. C. 137; 17 J. P. 615.

## RESIDENCE IN INCORPORATED PARISHES.

The city of Norwich, under a local Act, being a city maintaining its own poor, is a "parish" within 4 & 5 Will. 4, c. 76, s. 109, and a pauper who had resided in two of the parishes of the city for the requisite period, was rendered irremovable by 9 & 10 Vict. c. 66, s. 1: *Reg. v. Forncett St. Mary*, 12 Q. B. 160; 3 N. S. C. 477; 18 L. J. M. C. 125; 13 J. P. 505.

A pauper who resided in the city for the requisite period, the parishes in which city were incorporated and maintained the poor out of a common fund, was irremovable under 9 & 10 Vict. c. 66, s. 1: *Reg. v. Holy Trinity, Exeter*, 4 N. S. C. 438.

## PAUPERS NOT HAVING ANY SETTLEMENT.

The 9 & 10 Vict. c. 66, extends only to render irremovable such paupers as have a known settlement, to which they would be liable to be removed independently of that Act: *Reg. v. Bennett*, 3 E. & B. 341; 23 L. J. M. C. 39; 18 J. P. 217; 18 Jur. 311; 22 L. T. 258.

## ORDER OF REMOVAL.

An order of removal need not state that the pauper had not resided in the parish for five years next before the application for an order to remove: *Reg. v. St. George, Hanover Square*, 13 Q. B. 642.

*Mandamus* to justices to grant an order of removal will not lie in a case where the justices had entered upon the inquiry, and had decided, though erroneously, that the pauper was irremovable under 9 & 10 Vict. c. 66: *Reg. v. Blanshard*, 18 L. J. M. C. 110.

It is no ground for a prohibition to justices not to execute an order of removal, that the pauper is irremovable by reason of a five years' residence, under the 9 & 10 Vict. c. 66, s. 1: *Ex parte Oakington*, 27 L. T. 79.

## LUNATICS.

A pauper lunatic may be sent to an asylum by an order of justices, though he has resided for five years next before the application for such order in a parish different from that in which the asylum is situate, the case being an exception to s. 1 of 9 & 10 Vict. c. 66, and justices may afterwards make an order of adjudication upon another parish; *Reg. v. Leaden Roothing*, 12 Q. B. 181.

The 12 & 13 Vict. c. 103, s. 5, extends to the maintenance of a pauper lunatic born in Ireland who has acquired no settlement in England, but has become irremovable by reason of five years' residence in a parish in a union in England; and in such a case the burthen of maintaining the lunatic in an asylum is cast upon the common fund of the union. But now see 24 & 25 Vict. c. 55, s. 6: *Reg. v. Arnold*, 18 Q. B. 553; 21 L. J. (N. S.) M. C. 180.

No widow liable to be removed for twelve months after death of husband.

II. No woman residing in any parish with her husband at the time of his death shall be removed, nor shall any warrant be granted for her removal, from such parish, for twelve calendar months next after his death, if she so long continue a widow.

#### LUNATICS—continued.

*Decisions on sect. 1.*

An Irish pauper without a settlement in England, resided in C. parish, in W. union, for five years, and was irremovable from C., at the time he was sent to a lunatic asylum: Held, that the burden of maintaining him in the asylum, was, by 12 & 13 Vict. c. 103, s. 5, cast on the W. union, and that the county was not liable to it: *Reg. v. Clerk of the Peace for Middlesex*, 16 J. P. 536, 758.

Where a woman has been removed to a lunatic asylum at the instance of her husband, and is maintained there at the cost of the parish (union) of settlement, that is relief to the husband within 9 & 10 Vict. c. 66, s. 1; and the period of the wife's confinement in the asylum must be excluded in computing the time the husband has resided in a parish: *Reg. v. St. George, Bloomsbury*, 32 L. J. M. C. 217; 27 J. P. 662; 4 B. & S. 108.

#### WIDOWS.

*Decisions on sect. 2.*

The 9 & 10 Vict. c. 66, s. 2, rendered irremovable widows whose husbands died before the passing of the Act: *Reg. v. St. Mary, Whitechapel*, 12 Q. B. 120; 12 Jur. 792; 3 N. S. C. 262; 17 L. J. M. C. 172; 12 J. P. 598.

An order for removing a widow, resident with her husband at the time of his death, was made before 9 & 10 Vict. c. 66, and executed by removing her within 12 months after his death. The order was unlawful under sect. 2: *Reg. v. St. Pancras*, 12 Q. B. 129; 12 J. P. 599; 12 Jur. 792.

Pauper (a widow) having resided with her husband for five years in the parish of M., and having applied for relief, was told by one of the parish officers of M. that B. was her parish, and with money then furnished her by him she went to B., and was there received into the workhouse, where she remained for three weeks. After leaving the workhouse, she remained in the house of her mother in B. for about three months, and received relief during that time, except for about three weeks. Subsequently, she returned to M., and becoming chargeable, an order was obtained for her removal to B. Under these circumstances, the court would not infer an illegal intent on the part of the parish officers of M. to make the pauper chargeable to B., within 9 & 10 Vict. c. 66, s. 6; but held that if the sessions, upon rehearing the case, were to draw that conclusion, as they would be justified in doing from the facts stated (and as they afterwards did), then that the pauper's going to and remaining in B. did not cause a break in the previous residence of the pauper in M., and consequently that she was irremovable to B. *Semble*, the irremovability of a widow under s. 2 of 9 & 10 Vict. c. 66, is lost by a break of residence within the year of her widowhood: *Reg. v. St. Marylebone*, 4 N. S. C. 444; 20 L. J. M. C. 173; 16 Q. B. 299.

A woman who has become a widow, and who, during her coverture, resided five years in a parish, did not thereby become irremovable therefrom after her husband's death. Her husband returned and lived with her two months, and then went to sea, where he died: Held, that she was residing with her husband at the time of his death, and was therefore irremovable under 9 & 10 Vict. c. 66, s. 2: *Reg. v. East Stonehouse*, 4 E. & B. 901; 24 L. J. M. C. 121; 23 L. T. 77; 19 J. P. 579; 1 Jur. (n. s.) 573.

III. No child under the age of sixteen years, whether legitimate or illegitimate, residing in any parish with his or her father or mother, stepfather or stepmother, or reputed father, shall be removed, nor shall any warrant be granted for the removal of such child, from such parish, in any case where such father, mother, stepfather, stepmother, or reputed father may not lawfully be removed from such parish.

No child under sixteen years of age liable to be removed.

IV. No warrant shall be granted for the removal of any person becoming chargeable in respect of relief made necessary by sickness (a) or accident, unless the justices granting the warrant shall state in such warrant that they are satisfied that the sickness or accident will produce permanent disability.

Sick persons not liable to be removed except under certain circumstances.

(a) See 24 & 25 Vict. c. 55, s. 5; 30 & 31 Vict. c. 106, s. 26.

#### WIDOWS—continued.

Under 9 & 10 Vict. c. 66, s. 1, and 11 & 12 Vict. c. 111, s. 1, a widow, whose husband was irremovable at the time of his death, does not continue irremovable if she has not herself resided the requisite period to confer irremovability: *Reg. v. Cudham*, 5 Jur. (N. s.) 269; 1 E. & E. 409; 32 L. T. 253; 28 L. J. M. C. 105.

*Decisions on sect. 2.*

#### AGE OF NURTURE.

An order of removal is good as to children above the age of nurture, if 9 & 10 Vict. c. 66, s. 3, be not complied with; but it will be bad as to nurse children, if they are taken from their mother; but if they have been separated from their mother without fraud before it is made, the order will be good: *Reg. v. Combs*, 5 E. & B. 892; 25 L. J. M. C. 59; 26 L. T. 218; 20 J. P. 516; 2 Jur. (N. s.) 255.

*Decisions on sect. 3.*

With regard to the maintenance of the poor, a rule has been introduced, that while a child is under seven years of age it shall not be separated from the mother for the purpose of being maintained by the parish in which it is settled. Under seven is called the "age of nurture;" but this is the peculiar nurture required by a child from its mother, and is entirely different from guardianship for nurture, which belongs to the father in his lifetime, even from the birth of the child.—Per Lord Campbell, C. J.: In re *Alice Race*, 3 Jur. (N. s.) 336.

#### SICKNESS.

It is not an objection to an order of removal that it does not appear on the face of it, or on the examinations, that the pauper did not become chargeable in respect of relief made necessary by sickness or accident: *Reg. v. Halifax*, 17 L. J. M. C. 158; 12 Jur. 790; 12 Q. B. 111.

*Decisions on sect. 4.*

Though it does not appear on the order or examinations that the chargeability of the pauper was occasioned by relief given on account of sickness, yet it is a good ground of appeal that such was the case, and that such sickness was not known to be likely to produce permanent disability. The justices must state in the order that they are satisfied that the sickness will produce permanent disability: *Reg. v. Priors Hardwick*, 12 Q. B. 168; 3 N. S. C. 510; 18 L. J. M. C. 177; 13 J. P. 286.

It is no objection to an order of removal that the chargeability may have been occasioned by sickness or accident not tending to cause permanent disability, and that the order does not negative that state of things if there be no proof that any chargeability, by reason of sickness, &c., existed or was in question at the time of the removal: *Reg. v. Goole*, 12 Q. B. 172.

Settlement not to be gained by non-removal.

Penalty on persons unlawfully procuring removals of poor persons.

V. Provided always, that no person hereby exempted from liability to be removed shall by reason of such exemption acquire any settlement in any parish.

VI. If any officer (a) of any parish or union do, contrary to law, with intent to cause any poor person to become chargeable to any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, or give directly or indirectly any money, relief, or assistance, or afford or procure to be afforded any facility for such conveyance, or make any offer or promise, or use any threat to induce any poor person to depart from such parish, and if, in consequence of such conveyance or departure, any poor person become chargeable to any parish to which he was not then chargeable, such officer, on conviction thereof before any two

(a) See 14 & 15 Vict. c. 105, s. 11.

#### SICKNESS—continued.

Decisions on sect. 4.

An order of removal need not negative that the relief is made necessary by sickness or accident: *Reg. v. Llandogget*, 3 N. S. C. 517; 13 J. P. 285.

Incurable blindness is sickness within 9 & 10 Vict. c. 66, s. 4: *Reg. v. Bucknell*, 3 E. & B. 587; 23 L. J. M. C. 129; 18 J. P. 503; 23 L. T. 142; 18 Jur. 533.

*Quare*, whether lunacy is included in the term "sickness," so as to throw on the common fund of the union, under 16 & 17 Vict. c. 97, s. 102, the expense of a pauper lunatic removed to an asylum who ultimately proved to be curable. But see *Hunslet v. Dewsbury*, 26 L. J. (N. S.) M. C. 3; 2 Jur. (N. S.) 1207, in which Lord Campbell, C. J., said that the court, in *Reg. v. Manchester*, decided that lunacy was not a sickness within the meaning of 9 & 10 Vict. c. 66, s. 4. But now see 24 & 25 Vict. c. 55, s. 6: *Reg. v. Manchester*, 26 L. J. M. C. 1; 6 E. & B. 919.

Pregnancy is not of itself "sickness" within the meaning of 9 & 10 Vict. c. 66, s. 4; and a single woman who has become chargeable by reason of pregnancy merely, is removable: *Reg. v. Huddersfield*, 3 Jur. (N. S.) 218; 26 L. J. M. C. 169; 22 J. P. 160; 7 E. & B. 794; 26 Jur. 718; 29 L. T. 179.

Sect. 4 of 9 & 10 Vict. c. 66, applies to personal sickness, and gives personal exemption to sick persons only. Therefore, where a man, in consequence of sickness, left his wife and children in the respondent parish, and went into a hospital in another, and his wife and children became chargeable to the respondent parish, it was held that an order for their removal to the parish of his settlement need not state that the justices were satisfied that the sickness would not produce permanent disability: *Reg. v. St. George's, Middlesex*, 8 Jur. (N. S.) 714; 2 B. & S. 317; 31 L. J. (N. S.) M. C. 85; 26 J. P. 151; 5 L. T. (N. S.) 791.

Where a person becomes chargeable in respect of relief made necessary by reason of sickness or accident, and an order of removal is accordingly made which states that the justices are satisfied that the sickness or accident will produce permanent disability, it is not competent to the appellants to dispute the fact of such sickness or accident being of a permanent character; and the quarter sessions have no authority to entertain a ground of appeal setting up such objection to the order of removal: *Reg. v. St. Mary and St. Andrew, Whittlesey*, 32 L. J. M. C. 78; 9 Jur. (N. S.) 820; 7 L. T. (N. S.) 676; 27 J. P. 70; 3 B. & S. 432.

justices, shall forfeit and pay for every such offence any sum not exceeding five pounds nor less than forty shillings.

VII. The delivery of any pauper under any warrant of removal directed to the overseers of any parish at the workhouse of such parish, or of any union to which such parish belongs to any officer of such workhouse, shall be deemed the delivery of such pauper to the overseers of such parish (b). Delivery of paupers under orders of removal.

VIII. An Act passed in the fifth year of the reign of King William the Fourth, for the Amendment and better administration of the Laws relating to the Poor in England and Wales, and all Acts to amend and extend the same, and the present Act, except so far as the provisions of any former Act are altered, amended, or repealed, by any subsequent Act, shall be construed as one Act; and all penalties and forfeitures imposed under this Act shall be recoverable as penalties and forfeitures under the said Act for the Amendment of the Laws relating to the Poor. 4 & 5 Will. IV. c. 76, and this Act to be construed as one.

IX. This Act shall extend only to England.

Act limited to England.

\* \* \* \* \*

## 9 & 10 VICT. CHAP. 74.

AN ACT to Encourage the Establishment of Public Baths and Washhouses (c). [26th August, 1846.]

\* \* \* \* \*

XVI. The expences of carrying this Act into execution in any parish not within any such incorporated borough to such amount as shall be from time to time sanctioned by the vestry shall be chargeable upon and paid out of the monies to be raised or applicable for the relief of the poor of the parish. Expences of executing Act in any parish to be paid out of the poor's rate.

(b) See 7 & 8 Vict. c. 101, s. 56; and 14 & 15 Vict. c. 105, s. 13.

(c) See 34 & 35 Vict. c. 70.

### INDICTMENT.

Upon a criminal information against overseers for inducing a pauper to remove to another parish, the court refused to grant the information as Decisions on sect. 6.  
no circumstances were shown requiring prompt interference, and left the parties to their remedy by indictment: *Reg. v. Jennings*, 1 N. S. C. 488; *S. C. Reg. v. Storwood*, 9 Jur. 448.

A relieving officer of W. union, gave B., who was resident in that union, an order to go into the union workhouse; but as B. did not go, but went to live with his daughter out of the union, S. obtained the order back, and afterwards B. became ill and applied to the C. union for relief: Held, this was no reasonable evidence of S. committing an offence under 9 & 10 Vict. c. 66, s. 6, by causing B. to become chargeable to the C. union: *Shee v. Dannatt*, 26 J. P. 359.

Overseers to levy, as part of the poor's rate, such sums as vestry shall deem necessary to pay expences.

XVII. For defraying the expences which shall have been or shall be incurred in carrying this Act into execution in the parish the vestry may and shall from time to time order the overseers to levy with and as part of the rate for the relief of the poor of the parish such sums as the vestry shall deem necessary, and the amount thereof shall accordingly be assessed, levied, paid, and recovered in like manner, and with the like powers and remedies in all respects, as such rate, and shall be paid by the overseers, according to the order of the vestry, to such person as shall be appointed by the commissioners to receive the same, and his receipt shall be a sufficient discharge to the overseers for the same, and shall be allowed accordingly in passing their accounts.

Monies raised, and the income arising from baths, &c. in the parish to be applied towards defraying expences.

XVIII. The money raised for defraying the expences of carrying this Act into execution, and the income arising from the baths and washhouses and open bathing places in the parish, shall be applied by the commissioners in or toward defraying the expences of carrying this Act into execution in the parish; and whenever, after repayment of all monies borrowed for the purpose of carrying this Act into execution in the parish, and the interest thereof, and after satisfying all the liabilities of the commissioners with reference to the execution of this Act in the parish, and providing such a balance as shall be deemed by the commissioners sufficient to meet their probable liabilities during the then next year, there shall be at the time of holding the meeting of the vestry at which the yearly report of the auditors shall be produced any surplus money at the disposal of the commissioners, they shall pay the same to the overseers in aid of the rate for the relief of the poor of the parish.

Vestries of two or more parishes may concur in carrying this Act into execution, subject to the approval of secretary of state.

XIX. The vestries of any two or more neighbouring parishes which shall have respectively adopted this Act may concur in carrying this Act into execution in such parishes in such manner not inconsistent with the provisions of this Act, and for such time, as they shall mutually agree; and for that purpose it may, with the approval of such secretary of state, be agreed on between such vestries that any public baths and washhouses and open bathing places shall be erected and made in any one of such parishes, to be vested in the commissioners thereof, and that the expences of carrying this Act into execution with reference to the same shall be borne by such parishes in such proportions as such vestries shall mutually agree, and the proportion for each of such parishes of such expences shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of the same respective parish accordingly; and, according and subject to the terms which shall have been so agreed on, the commissioners appointed for each of such parishes shall, in the management of the said baths and washhouses and open bathing places, form one body of commissioners, and shall act accordingly in the execution of this Act, and the accounts and vouchers of such commissioners shall be examined and reported on by the auditors of each of such

parishes ; and the surplus money at the disposal as aforesaid of such commissioners shall be paid to the overseers of such parishes respectively in the same proportions as those in which such parishes shall be liable to such expences.

\* \* \* \* \*

XXIV. In any such borough the council, with the approval of the commissioners of Her Majesty's treasury, may from time to time appropriate for the purposes of this Act in the borough any lands vested in the mayor, aldermen, and burgesses ; and in any such parish the commissioners appointed under this Act, with the approval of the vestry and of the guardians of the poor of the parish (if any), and of the poor law commissioners for England and Wales (*a*), may from time to time appropriate for the purposes of this Act in the parish any lands vested in such guardians, or in the churchwardens, or in the churchwardens and overseers of the parish, or in any feoffees, trustees, or others, for the general benefit of the parish ; and in any such parish the commissioners, with the approval of the vestry, and in any such borough the council may from time to time contract for the purchasing or renting of any lands necessary for the purposes of this Act, and the property therein shall be vested in the mayor, aldermen, and burgesses in the case of a borough, or in the commissioners in the case of a parish.

Council may appropriate, with consent of the treasury, lands vested in the mayor, &c.

Commissioners may, with approval of vestry, &c. appropriate lands belonging to parish ;

or contract for purchase of the same.

\* \* \* \* \*

### 10 & 11 VICT. CHAP. 33.

AN ACT to amend the Laws relating to the Removal of Poor Persons from England and Scotland (*b*).

[21st June, 1847.]

"WHEREAS an Act was passed in the ninth year of the reign of 8 & 9 Vict. Her Majesty, for the removal from England of poor persons who, though born in Scotland, Ireland, or the islands of Man, Scilly, Jersey, or Guernsey, and not settled in England, are chargeable to some parish in England ; and by another Act passed in the same year provision was made for the removal from Scotland of poor persons who, though born in England, Ireland, or the Isle of Man, and not settled in Scotland, receive relief from some parish or combination in Scotland ; and whereas it is expedient that certain provisions of the said Acts should be amended : " Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for any guardian, relieving officer, or overseer of any parish or union in England to take and convey before two justices of the peace, without summons or warrant, every poor

c. 117.

8 & 9 Vict. c. 83, s. 77.

Guardians, &c. in England may take persons removable therefrom under first-

(*a*) See 34 & 35 Vict. c. 70.

(*b*) See 8 & 9 Vict. c. 117.

recited Act  
before two jus-  
tices without  
summons, &c.

person who shall become chargeable to any parish in England, and who he may have reason to believe is liable to be removed from England under the first-recited Act (*b*); and the justices before whom any such person shall be so brought shall hear and examine and proceed in the same manner in all respects as if such person had been brought before them under and in the manner directed by that Act.

Inspectors of  
the poor in  
Scotland to  
take persons  
removable  
therefrom un-  
der secondly-  
recited Act  
before sheriff  
or two justices,  
without pre-  
vious com-  
plaint, &c.

II. It shall be lawful for any inspector of the poor, or other officer appointed by the parochial board of any parish or combination in Scotland, to take and convey before the sheriff or any two justices of the peace of the county in which the parish or combination for which such inspector or officer acts, or any portion thereof is situated, without previous complaint or warrant in that behalf, every poor person who shall be in the course of receiving parochial relief in any parish or combination in Scotland, and who he may have reason to believe is liable to be removed from Scotland, under the secondly-recited Act; and the sheriff or justices before whom any such person shall be so brought shall make such examination, and proceed in the same manner in all respects as if such person had been brought before him or them under and in the manner directed by that Act (*c*).

Persons taking  
paupers before  
justices to have  
powers of  
constables.

III. Every person who by this Act is authorized to take and convey any poor person before any sheriff or justices shall, in the execution of this Act in that behalf, have and exercise all the rights, privileges, powers, and immunities with which a constable is by law invested (*d*).

Interpretation  
of Act.

IV. In the construction of this Act the singular number or masculine gender shall, except when the context excludes such construction, be understood to include and shall be applied to several persons, matters, or things, as well as to one person, matter, or thing, and to females as well as males respectively; and the words "justices of the peace," shall be understood to include and extend to a justice of the peace or magistrate of a county, county of a city, or county of a town, or of any city or town corporate:

\* \* \* \*

## 10 & 11 VICT. CHAP. 72.

AN ACT for the further Amendment of the Laws relating to  
Turnpike Roads in South Wales.

[22nd July, 1847.]

"WHEREAS it is expedient to amend an Act passed in the session held in the seventh and eighth years of the reign of her present Majesty, intituled 'An Act to consolidate and amend the

7 & 8 Vict.  
c. 91.

(*b*) See 8 & 9 Vict. c. 117, s. 2.

(*c*) See 8 & 9 Vict. c. 83, s. 77.

(*d*) See 8 & 9 Vict. c. 117, s. 3.

Laws relating to Turnpike Trusts in South Wales:’ And whereas by the said Act provision is made for the assessing, levying, and collecting of a rate for the purposes of the said Act, to be termed a county road rate, and also for the levying and collecting of tolls, and the distances within which it shall be lawful to collect the same, and for other purposes: And whereas difficulty has been found in carrying these and other provisions of the said Act into execution:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said recited Act as requires the high constables of any hundred or division to perform any part or duty in the levying or collecting of any county road rates, or to act in anywise therein (*e*), shall be and is hereby repealed, and the provisions of an Act passed in the same last-mentioned session of parliament, intituled “An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties,” shall be deemed to apply to such county road rates in like manner as to any county rates (*f*).

So much of 7 & 8 Vict. c. 91, as requires high constables to act in collection of county road rates repealed, and 7 & 8 Vict. c. 33, deemed to apply.

II. Whenever the justices of the peace in any of the counties in South Wales to which the said first-recited Act applies shall, in conformity with the provisions and for the purposes of the said Act, order a county road rate to be assessed and collected with and as part of the county rate for any of the said counties respectively, they shall cause the same to be collected by the same officers or parties as shall for the time being collect the county rate; and in every precept or warrant to be issued for the collection of the said county rate and county road rate jointly, the amount assessed upon each parish, township, or other place in respect of each of such rates shall be set forth separately.

County road rate to be collected by the same officers or parties as the county rate.

III. In any case in which the justices of any such county shall not issue their precept to the guardians of any union for the payment of the county rate to the treasurer of the county, in conformity with the statute in that behalf, then and in such case the clerk of the peace of such county shall, so soon as the warrants for the collection of the county rate and of the county road rate shall have been issued, send a copy of every such warrant which shall relate to any parish or other place comprised in such union to the clerk to the guardians of such union.

Clerks of the peace to send copies of warrants of justices to clerks of boards of guardians in certain cases.

IV. The clerk to the board of guardians of every union either wholly or in part contained within the several counties to which such first-recited Act applies, upon the receipt of the precept of the justices or of the copy of the warrant, as the case may be, shall, (so soon as the sum stated therein shall have been paid in pursuance of the precept or warrant) compare the amount of the county road rate assessed upon each parish or

Clerks of boards of guardians to ascertain the proportion which the county road rate forms of the poor rate as-

(*e*) See 7 & 8 Vict. c. 91, s. 96.

(*f*) See 7 & 8 Vict. c. 91, s. 99.

assessment, and to give notice thereof to overseers.

other place within his union with the amount of the last assessment which shall have been allowed by the justices for the purpose of being levied in such parish or place for the relief of the poor out of which the said sum shall have been paid, and shall ascertain the proportionate amount in the pound which such county road rate bears in reference to the whole amount of the said assessment, and shall forthwith transmit to the overseers of such parish or place, or to the assistant overseers or collectors, if any there be, a statement of such proportionate amount; and every such clerk shall receive for his trouble therein such compensation out of the monies to be raised by such county road rate, as the justices at their general quarter sessions assembled shall deem fit.

Overseers to publish notice of the proportion so ascertained, and to give certificates to rate-payers of amount of road rate paid by them.

V. The overseers, assistant overseers, or collectors shall, upon receipt of such statement as aforesaid, give and publish notice, in like manner as parochial notices are usually given and published in such parish or place, of the proportionate amount in the pound of the county road rate so stated by the said clerk to the guardians; and the said overseers, assistant overseers, or collectors who shall be entitled to receive or shall have received the last rate upon which the proportion shall have been ascertained as aforesaid shall, upon request of any party who shall have paid any rate contained in such assessment, compute and certify in writing the sum which such party has contributed to the county road rate out of the sum so paid, according to the proportion declared by the said clerk as aforesaid; and such certificate shall be signed by such overseer, assistant overseer, or collector; and the sum therein stated to have been contributed to the county road rate shall, if correctly computed, be the sum which the occupier shall be empowered to deduct from the next payment of his rent, according to the provisions of the said first-recited Act; and any overseer, assistant overseer, or collector who shall refuse to give any such certificate as aforesaid, upon demand of the person entitled to receive the same, shall be liable to a penalty not exceeding twenty shillings, upon conviction before the justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act of the fifth year of the reign of His late Majesty for the Amendment of the Laws for the Relief of the Poor.

Clerk to the guardians empowered to call for rate books, &c.

VI. The said clerk to the guardians shall be empowered to call upon the overseers or other persons having the custody thereof, for the rate or rate books, which he shall require for the purpose aforesaid, as and when he shall so require them, giving reasonable notice for the same; and every person having the custody thereof who shall wilfully neglect or refuse to allow him to have or inspect the same for such purpose shall be liable to forfeit and pay a sum not exceeding five pounds, upon conviction before the justices of the county in which the parish shall be situated, to be recovered and applied as penalties

under the Act of the fifth year of the reign of His late Majesty for the Amendment of the Laws for the Relief of the Poor.

VII. In the case of any parish or place not forming part of any union under the laws relating to the relief of the poor, all the acts, matters, and things hereby directed to be done and performed by the clerk to the board of guardians shall, so far as the same are practicable, be done and performed in like manner by the overseers or other persons empowered by law to levy the county rates, police rates, or other rates in such parish or place for the time being.

Where a parish does not form part of a union, overseers to act in like manner as clerks to guardians.

\* \* \* \* \*

10 & 11 VICT. CHAP. 109.

AN ACT for the Administration of the Laws for Relief of the Poor in England (a). [23rd July, 1847.]

“ WHEREAS an Act was passed in the fifth year of the reign of His late Majesty, intituled ‘ An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales ;’ and divers Acts have since been passed for the amendment of the said Act, or otherwise relating to the laws for the relief of the poor in England : And whereas the administration of the laws for the relief the poor in England is subject to the direction and control of the poor law commissioners, whose commission will expire at the end of the session of parliament next after the thirty-first day of July in this year (b), and it is expedient to make further provision for the administration of the said laws :” Be it enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for Her Majesty, by any letters patent, or by any commission or commissions to be issued under the great seal of Great Britain, from time to time to nominate, constitute, and appoint during pleasure such person or persons as Her Majesty shall think fit to be, and who shall accordingly be and be styled “ Commissioners for administering the Laws for Relief

4 & 5 Will. IV. c. 76.

Appointment of commissioners.

(a) See 30 & 31 Vict. c. 106, s. 30 (b) See 5 & 6 Vict. c. 57, s. 1.

The following are the periods of duration of the Poor Law Board :—

10 & 11 Vict. c. 109, till 23 July, 1852	} And thenceforth until the end of the then next session of parliament.
15 & 16 Vict. c. 59    ”    ”    1854	
17 & 18 Vict. c. 41    ”    ”    1859	
23 & 24 Vict. c. 101   ”    ”    1863	
26 & 27 Vict. c. 55    ”    ”    1864	} Ditto.
28 & 29 Vict. c. 105   ”    ”    1866	
29 & 30 Vict. c. 102   ”    ”    1867	
30 & 31 Vict. c. 106, s. 1, by repealing the 28th section of the 10 & 11 Vict. c. 109, made the Poor Law Board permanent; and it is now the Local Government Board by virtue of the 34 & 35 Vict. c. 70.	

Note to 10 & 11 Vict. c. 109, s. 1.

*Note to  
10 & 11 Vict.  
c. 100, s. 1—  
continued.*

Poor Law Board.	Date of appointment.	Termination of Appointment.	Terms of office:	
			Yrs.	Days.
PRESIDENTS.				
Charles Buller, Esq. - - -	18 Dec. 1847.	29 Nov. 1848.	—	348
The Right Hon. Matthew Talbot Baines - - - -	1 Jan. 1849.	2 Mar. 1852.	3	62
The Right Hon. Sir John Trollope, Bart. (Lord Kes- teven) - - - - -	3 Mar. 1852.	31 Dec. 1852.	—	304
The Right Hon. Matthew Talbot Baines - - - -	1 Jan. 1853.	13 Aug. 1855.	2	225
The Right Hon. Edward Pleydell Bouverie - - -	14 Aug. 1855.	7 Mar. 1858.	2	207
The Right Hon. Thomas Southern Estcourt - - -	8 Mar. 1858.	9 Mar. 1859.	1	2
The Right Hon. the Earl of March (Duke of Rich- mond) - - - - -	10 Mar. 1859.	24 June, 1859.	—	107
The Right Hon. Thomas Milner Gibson - - - -	25 June, 1859.	10 July, 1859.	—	16
The Right Hon. Charles Pelham Villiers - - - -	11 July, 1859.	11 July, 1866.	7	1
The Right Hon. Gathorne Hardy - - - - -	12 July, 1866.	20 May, 1867.	—	313
The Right Hon. the Earl of Devon - - - - -	21 May, 1867.	15 Dec. 1868.	1	209
The Right Hon. George Joachim Goschen - - -	16 Dec. 1868.	12 Mar. 1871.	2	87
The Right Hon. James Stansfeld - - - - -	13 Mar. 1871.	19 Aug. 1871.	—	160
PERMANENT SECRETARIES.				
Sir George Nicholls, K.C.B.	18 Dec. 1847.	27 Jan. 1851.	3	41
Viscount Courtenay (Earl of Devon) - - - - -	28 Jan. 1851.	4 July, 1859.	8	158
Henry Fleming, Esq. - - -	5 July, 1859.	19 Aug. 1871.	12	46
PARLIAMENTARY SECRE- TARIES.				
Viscount Ebrington (Earl Fortescue) - - - - -	18 Dec. 1847.	27 Jan. 1851.	3	41
Ralph William Grey, Esq. -	28 Jan. 1851.	3 Mar. 1852.	1	36
Sir E. Emmerson Tennent, Bart. - - - - -	4 Mar. 1852.	30 Sept. 1852.	—	211
Frederick Winn Knight, Esq.	20 Nov. 1852.	31 Dec. 1852.	—	42
C. L. Grenville Berkeley, Esq.	7 Jan. 1853.	9 May, 1856.	3	124
Ralph William Grey, Esq. -	10 May, 1856.	11 Mar. 1858.	1	306
Frederick Winn Knight, Esq.	12 Mar. 1858.	27 June, 1859.	1	108
Charles Gilpin, Esq. - - -	28 June, 1859.	22 Feb. 1865.	5	240
Viscount Enfield - - - -	23 Feb. 1865.	13 July, 1866.	1	141
Ralph Anstruther Earle, Esq.	14 July, 1866.	22 Mar. 1867.	—	252
George Selater-Booth, Esq. -	23 Mar. 1867.	3 Mar. 1868.	—	347
Sir Michael Edward Hicks Beach, Bart. - - - - -	14 Mar. 1868.	26 Aug. 1868.	—	166
James Lowther, Esq. - - -	27 Aug. 1868.	15 Dec. 1868.	—	111

of the Poor in England (c) ;" and whenever in this Act the word commissioners shall be used without addition it shall be taken to mean the said commissioners for administering the laws for relief of the poor in England (d).

II. The lord president of the council, the lord privy seal, Commissioners *ex officio*. Her Majesty's principal secretary of state for the home department, and the chancellor of the exchequer for the time being shall be, by virtue of their respective offices, commissioners for administering the laws for relief of the poor in England, with the person or persons nominated in any such letters patent or commission as aforesaid, and shall have the same powers as if they were expressly nominated in such commission (e).

III. Notice of the issue of every such commission shall be published in the *London Gazette*; and the commissioners first appointed under this Act shall enter on their office, and all the powers by this Act vested in them shall take effect on the day after the first publication of such notice in the *London Gazette* (f). When commissioners shall enter on their office.

IV. The commissioner first named in any such letters patent or commission for the time being shall be and be styled the "president;" and whenever in the absence of the president two or more of the commissioners shall meet for the execution of any powers vested in them by this Act, the commissioner next in order of nomination in the said commission or this Act, of those who shall be present, shall for that turn preside; and if the commissioners present at any meeting shall be equally Who shall preside at meetings of the commissioners.

(c) See 12 & 13 Vict. c. 103, s. 21.

(e) See 34 & 35 Vict. c. 70, s. 3.

(d) See 30 & 31 Vict. c. 106, s. 1;

(f) See sect. 28.

31 & 32 Vict. c. 72; 34 & 35 Vict. c. 70, s. 2.

Poor Law Board.	Date of Appointment.	Termination of Appointment.	Terms of office:		<i>Note to 10 &amp; 11 Vict. c. 109, s. 1—continued.</i>
			Yrs.	Days.	
PARLIAMENTARY SECRETARIES— <i>continued.</i>					
Arthur Wellesley Peel, Esq.	16 Dec. 1868.	17 Jan. 1871.	2	33	
John Tomlinson Hibbert, Esq.	18 Jan. 1871.	19 Aug. 1871.	—	214	
ASSISTANT SECRETARIES.					
William Golden Lumley, Q.C.	18 Dec. 1847.	19 Aug. 1871.	23	245	
Henry Fleming, Esq. - -	3 Feb. 1848.	5 July, 1859.	11	153	
Francis Fletcher, Esq. - -	19 July, 1859.	19 Aug. 1871.	12	32	
Wm. Cunningham Glen - -	18 Dec. 1847.	19 Aug. 1871.	23	245	

Mr. Fletcher was appointed an officer of the Poor Law Commissioners on the 30th October, 1834.

Similar particulars to the foregoing, as regards the Poor Law Commission and the Local Government Board, will be found in notes to 4 & 5 Will. 4, c. 76, s. 10, and 34 & 35 Vict. c. 70, s. 3, respectively.

divided in opinion upon any question before them, the president, or in his absence the commissioner presiding at that meeting, shall have a second or casting vote (*a*).

Seal of the  
commis-  
sioners.

V. The commissioners shall cause a seal to be made for their use, and such seal shall have the same force and effect as the seal of the poor law commissioners now has in England, and documents purporting to be sealed or stamped therewith shall be received in evidence in like manner and with the like effect as documents sealed or stamped with the seal of the poor law commissioners are now received in evidence (*b*).

Appointment  
of secretaries,  
clerks, &c.

VI. The commissioners shall from time to time, by order under their seal, appoint two secretaries, and may, by a like order under their seal, remove any secretary so appointed, and shall also from time to time appoint so many clerks, messengers, and servants as shall be allowed by the lord high treasurer, or the commissioners of Her Majesty's treasury; and all the persons so appointed shall hold their offices during the pleasure of the commissioners (*c*).

Who are com-  
petent to act  
in execution of  
Act.

VII. Any two of the said commissioners, or the said president alone, except as hereinafter provided, shall be competent to act in the execution of any powers vested in the commissioners by this Act: Provided that no Act of the commissioners which is required to be under their seal, or which, if done by the poor law commissioners, must have been done under their hands and seal, shall be of any validity unless it shall purport to be signed by at least two of the commissioners, or by the president, and if signed by the president alone, countersigned by one of the secretaries to the commissioners; and during any vacancy among the commissioners, the surviving or continuing commissioners or commissioner may continue to act with the same powers and in the same manner respectively as before such vacancy (*d*).

Salaries.

VIII. There shall be paid to the president and to the said secretaries, clerks, messengers, and servants, such salaries as shall be from time to time regulated by the lord high treasurer or the commissioners of Her Majesty's treasury, but no commissioner, other than the said president, shall be entitled to have any salary or remuneration for acting in the execution of this Act (*e*).

President and  
one secretary  
may sit in the  
House of Com-  
mons.

IX. The office of president shall not be deemed such an office as shall render the person holding such office incapable of being elected, or of sitting or voting as a member of the Commons House of Parliament, or as shall avoid his election if returned, or render him liable to any penalty for sitting or voting in parliament; and one only of the said secretaries shall at the same time be capable of sitting and voting in the Commons House of Parliament.

(*a*) See 34 & 35 Vict. c. 70, s. 3.

(*c*) See 34 & 35 Vict. c. 70, s. 3.

(*b*) See 4 & 5 Will. 4, c. 76, s. 3;

(*d*) See *ib.* s. 5.

7 & 8 Vict. c. 101, s. 71; 10 & 11

(*e*) See 31 & 32 Vict. c. 122, s. 24;

Vict. c. 109, s. 5; 31 & 32 Vict.

and 34 & 35 Vict. c. 70, s. 3.

c. 37; and 34 & 35 Vict. c. 70, s. 5.

X. On the day on which the commissioners first appointed under this Act shall enter on their office, all the powers and duties of the poor law commissioners with respect to the administration or control of the administration of relief to the poor throughout England, and all other powers and duties now vested in them, shall be transferred to and vested in the commissioners, and shall be thenceforth exercised by them, and by the commissioners appointed from time to time in and by any new commission or letters patent under the provisions of this Act, and all provisions in any Act relating to the administration of relief to the poor in England, or to the powers or duties of the poor law commissioners, shall be construed as if in the said several Acts the commissioners had been named instead of the poor law commissioners, subject nevertheless to any amendments made by this Act, either as to the substance or manner of exercising any of the powers of the said poor law commissioners; and at the same time all powers and authorities vested by any Act in the poor law commissioners appointed under the first-recited Act, or any Act passed for the amendment thereof, shall cease, and all secretaries, assistant secretaries, clerks, messengers, and officers appointed and employed by the said poor law commissioners in the business of their office shall cease to hold their several offices and employments (*f*).

Transfer of powers and duties of the poor law commissioners.

XI. The commissioners, by summons under their seal, may require the attendance of all persons upon any matter connected with the execution of any of the powers by law vested in them at such time and place as shall be set forth in the summons, and may make inquiry and require returns, and require and enforce the production upon oath of books, contracts, agreements, accounts, maps, plans, surveys, valuations, and writings, or copies thereof respectively, in anywise relating to any such matter, and the commissioners or any one of them may upon such matters administer oaths, and examine upon oath all persons so brought before them or him, and, when they or he shall think fit, instead of requiring such oath as aforesaid, may require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined (*g*): Provided always, that no person shall be required, in obedience to any such order, to go more than ten miles from the place of his abode: Provided also, that nothing herein contained shall empower the commissioners to require the production of the title, or of any paper or deed relating to the title of any lands, tenements, or hereditaments, not being the property of any parish or union.

Power to summon witnesses.

XII. So much of the said Act of the fifth year of the reign of His late Majesty, or of an Act passed in the sixth year of the reign of Her Majesty, intituled "An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-

Repeal of certain enactments as to the records of

(*f*) See 4 & 5 Will. 4, c. 76, s. 51.

(*g*) See 4 & 5 Will. 4, c. 76, s. 2; and 10 & 11 Vict. c. 109, s. 21.

the commis-  
sioners.  
5 & 6 Vict.  
c. 57.

seven, and to the end of the then next Session of Parliament, the Poor Law Commission, and for the further Amendment of the Laws relating to the Poor in England" (*a*), or of any other Act as would require any minute of the opinion of each of the commissioners to be made in the record of their proceedings in cases of final difference of opinion upon any order or proceeding, or as would require any record or general report of the proceedings of the commissioners to be submitted to one of Her Majesty's principal secretaries of state, shall be repealed (*b*).

Annual report  
to Her Majesty  
to be laid  
before parlia-  
ment.

XIII. The commissioners shall once in every year submit to Her Majesty a general report of their proceedings, and every such general report shall be laid before both houses of parliament within six weeks after the date thereof if parliament be then sitting, or if parliament be not then sitting, within six weeks after the next meeting of parliament (*c*).

How rules are  
to be made.

XIV. From and after the day on which the commissioners first appointed under this Act shall enter on their office, the power vested in the poor law commissioners to make rules, orders, and regulations, and from time to time to vary or rescind the same (*d*), shall be vested in the commissioners constituted under this Act, to be exercised by them in the manner hereinafter specified, and the commissioners shall make all such rules, orders, and regulations under their seal (*e*), except such as are intended only for their own guidance or procedure, or for the guidance or procedure of any persons appointed or employed by them for the business of their office, and shall make all general rules under their seal, and under the hands of three or more of the commissioners, of whom the president shall be one (*f*).

Definition of  
general rules.

XV. Every rule, order, or regulation of the commissioners which at the time of issuing the same shall be directed to and affect more than one union, shall be deemed a general rule (*g*), and every rule, order, and regulation made to vary or rescind a general rule, whether it be directed to or affect one or more than one union, shall also be deemed a general rule (*h*).

Repeal of part  
of 4 & 5 Will.  
IV. c. 76, as to  
making gene-  
ral rules.

XVI. From and after the day on which the commissioners first appointed under this Act shall enter on their office, so much of the said Act of the fifth year of the reign of His late Majesty as relates to the making of general rules by the poor law commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule, or any part thereof, shall be repealed (*i*).

Disallowance

XVII. If Her Majesty shall be pleased at any time, by the

(*a*) The 1 & 2 Vict. c. 56 (Irish Poor Law Act) should have been cited instead of this Act.

(*b*) See 4 & 5 Will. 4, c. 76, s. 4.

(*c*) See *ib.* s. 5; and 34 & 35 Vict. c. 70, s. 2.

(*d*) See *ib.* s. 15.

(*e*) See sect. 7.

(*f*) See 31 & 32 Vict. c. 122, s. 1; and 34 and 35 Vict. c. 70, s. 5.

(*g*) See 4 & 5 Will. 4, c. 76, ss. 42, 109; and 34 & 35 Vict. c. 70, s. 5.

(*h*) See 34 & 35 Vict. c. 70, s. 5.

(*i*) See 4 & 5 Will. 4, c. 76, s. 16; and 5 & 6 Vict. c. 57, s. 3.

advice of her privy council, to disallow any such general rule, or any part thereof, the same, so far as it shall have been so disallowed, shall cease to be of any force or validity, except as to all things lawfully done under the same before such disallowance, which shall be and continue to be valid. of general rules by the Queen in council.

XVIII. Provided always, that all lawful rules, orders, and regulations of the poor law commissioners made before the day on which the commissioners first appointed under this Act shall enter on their office shall continue in full force and effect until rescinded or varied under the authority of this Act (k). Confirmation of existing rules.

XIX. The commissioners shall from time to time, by order under their seal, appoint so many fit persons as shall be allowed by the lord high treasurer or commissioners of Her Majesty's treasury, to be inspectors, to assist in the execution of this Act and of other Acts now or which shall be hereafter in force for the relief of the poor in England, and may from time to time assign to the inspectors so appointed, or any of them, such duties in the execution of this Act as they think fit; and the commissioners, by order under their seal, may remove all or any of the said inspectors, and appoint others in their stead; and there shall be paid to every such inspector such salary as shall be from time to time regulated by the lord high treasurer or the commissioners of Her Majesty's treasury. Appointment of inspectors.

XX. The said inspectors, and each of them, shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief shall be lodged, and to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting (l). Duties of inspectors.

XXI. The said inspectors may summon before them such persons as they may think necessary for the purpose of being examined before them upon any matter concerning the administration of the laws relating to the relief of the poor, or any other matter placed by law under the control or regulation of the commissioners, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, writings, or copies of the same, in anywise relating to such matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, and may examine any person whom Inspectors may summon witnesses.

(k) See 12 & 13 Vict. c. 103, ss. 12, 13.

(l) See 4 & 5 Will. 4, c. 76, s. 21.

#### MANDAMUS TO ADMIT INSPECTOR.

*Mandamus* will lie to guardians under a local Act to admit a poor law inspector to their meetings and to take part in their proceedings other than voting thereat. The power to inspect a workhouse is not limited to merely looking at the place, but the inspector may at the time do such things as may be necessary to enable him to procure such information as the poor law board may require with regard to the building: *Reg. v. St. Pancras*, 22 J. P. 384; *Reg. v. St. Marylebone*, 6 Jur. (N. S.) 1094. Decision on sect. 20.

they shall so summon, or who shall voluntarily come before them to be examined upon any such matter upon oath, which each of the said inspectors shall be empowered to administer, or instead of administering an oath, the inspector may require the party examined to make and subscribe a declaration of the truth of the matter respecting which he shall have been or shall be so examined (*a*); and all summonses made by any such inspector for any such purpose as aforesaid shall be obeyed by all persons as if such summons had been the summons and order of the commissioners, and the non-observance thereof shall be punishable in like manner (*b*); and the costs and expenses of such person so summoned shall be paid in such cases and in such manner as the costs and expenses of persons summoned under the authority of the first-recited Act are now payable (*c*): Provided always, that no person shall be required in obedience to any such summons to go or travel more than ten miles from his place of abode (*a*).

Special inquiries.

XXII. So much of the said Act of the sixth year of the reign of Her Majesty as relates to the appointment of any assistant commissioner or of any person for the purpose of conducting any special inquiry as an assistant commissioner shall be repealed (*d*); and, whenever it may seem fitting to the commissioners, they, with the consent of the lord high treasurer or the commissioners of Her Majesty's treasury for the time being, may appoint some fit person to act as an inspector for the purpose of conducting any special inquiry for a period not exceeding thirty days, and the said commissioners may delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the said commissioners as they may deem necessary or expedient for summoning witnesses and conducting such inquiry.

Persons, being married, above 60 years of age, not compelled to live apart in work-houses.

XXIII. Provided always, that when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse, in pursuance of the provisions of the said recited Act or of this Act, or of any rule, order, or regulation of the commissioners appointed by authority of this Act (*e*), such two persons shall not be compelled to live separate and apart from each other in such workhouse.

For ensuring the due visitation of work-houses.

XXIV. In all cases where boards of guardians neglect to appoint a visiting committee for the purpose of visiting the workhouse of the union, or when three months shall have elapsed during which such committee shall have neglected to visit such workhouse, the poor law commissioners shall be required to appoint a visitor, not being one of the guardians, at a salary to be fixed by them, to be paid out of the general fund of the union: Provided always, that the appointment of any

(*a*) See 4 & 5 Will. 4, c. 76, s. 12.

(*b*) See sect. 11, and also sect. 26.

(*c*) See 4 & 5 Will. 4, c. 76, s. 14.

(*d*) See 5 & 6 Vict. c. 57, s. 2.

(*e*) See 4 & 5 Will. 4, c. 76, s. 42.

such paid visitor shall cease at the expiration of three calendar months next after the appointment of any visiting committee by the guardians, subject nevertheless to his re-appointment in case of any repetition of such neglect of the guardians or visiting committee as aforesaid.

XXV. In any civil or criminal proceeding it shall not be necessary to prove the sending of the original order of the poor law commissioners (*f*), or of the commissioners constituting any board of guardians, in any case in which any persons professing to form a board in obedience to such order shall have taken upon themselves to act, and shall have continued for three years to act, in the execution of the laws for the relief of the poor (*g*); and in no proceedings shall it be lawful to question the qualification or validity of the election of any person as a guardian after the end of twelve months next following the election, or the time when the alleged disqualification or want of qualification of the person against whom such proceedings shall be directed shall have arisen (*h*).

For confirmation of the proceedings of boards of guardians.

XXVI. Every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, shall, on being convicted thereof, suffer the pains and penalties of perjury (*i*); and every person who shall refuse or wilfully neglect to attend in obedience to any summons of the commissioners, or any inspector, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, maps, plans, surveys, valuations, or writings, or copies of the same, which may be required to be produced for the purposes of this Act, to any person authorized by this Act to require the production thereof, shall be deemed guilty of a misdemeanor.

Penalties for giving false evidence, or refusing to give evidence.

XXVII. Save when varied or repealed by this Act, and subject to the provisions herein contained, all the powers and provisions of the recited Acts and of all other Acts relating to the relief of the poor in England, and everything lawfully done under the same, or in pursuance thereof, and all lawful acts and proceedings of the poor law commissioners, and their assistant commissioners, and any officers acting under them, or in virtue of the said Acts, or any of them, or under their authority, or by any other person acting in the administration of the laws for the relief of the poor in England, on or before the day when the commissioners first appointed under this Act shall enter on their office, shall be as valid as if this Act had not been passed; and every suit or other proceeding, civil or criminal, begun before the last-mentioned day, in the name and under the authority of the poor law commissioners, shall have the same force and effect, if continued in their names under the sanction of the commissioners, as if the poor law commissioners had continued to act

Confirmation of proceedings under recited Acts.

(*f*) See 7 & 8 Vict. c. 101, s. 72.

(*h*) See 5 & 6 Vict. c. 57, s. 8; and

(*g*) See 5 & 6 Vict. c. 57, s. 13.

12 & 13 Vict. c. 103, s. 13.

(*i*) See 4 & 5 Will. 4, c. 76, s. 13.

in execution of the said Acts of parliament; and nothing herein contained shall in any way take away or interfere with any right of action or of defence to the same, or any liability to be sued or prosecuted for any penalty, for or against any person under the said Acts, or any of them, according to the respective provisions thereof, which shall have accrued wholly or in part before the last-mentioned day.

\* \* \* \* \*

Interpretation  
of Act.

XXIX. This Act shall be construed in the same manner as the said Act of the fifth year of the reign of His late Majesty, and the said Act of the sixth year of the reign of Her Majesty, and the several Acts passed for the amendment of the said Acts or either of them, and as one Act with the same, and with the Acts and provisions thereby directed to be construed as one Act, unless where otherwise directed by this Act (*a*).

\* \* \* \* \*

### 11 & 12 VICT. CHAP. 31.

AN ACT to amend the Procedure in respect of Orders for the  
Removal of the Poor in England and Wales, and Appeals  
therefrom (*b*).  
[22nd July, 1848.]

“WHEREAS the communication now by law required to be made by the overseers or guardians of any parish seeking to enforce an order for the removal of a poor person, to the overseers or guardians of the parish to which such poor person is intended to be removed, of a copy of the examination upon which such order has been made, has been found to produce much expensive and useless litigation upon points of mere form, so that few cases of appeals against such orders are now decided upon the merits:” For remedy thereof be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of an Act passed in the session of parliament holden in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled “An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales” (*c*), as provides, in cases of orders of removal, that the notice thereby required to be sent by the overseers or guardians of the parish obtaining the order shall be accompanied by a copy of the examination upon which such order was made, shall be and the same is hereby repealed.

So much of  
4 & 5 Will. IV.  
c. 76, as pro-  
vides that  
certain notices  
shall be  
accompanied  
by a copy of  
examination,  
&c. repealed.

(*a*) See 4 & 5 Will. 4, c. 76, s. 109;  
and 5 & 6 Vict. c. 57, s. 18.

(*b*) See 30 & 31 Vict. c. 106, s. 30.  
(*c*) See 4 & 5 Will. 4, c. 76, s. 79.

II. Instead thereof such notice shall be accompanied by a statement in writing under the hands of such overseers or such guardians, or any three or more of such guardians, setting forth the grounds of such removal, including the particulars of the settlement or settlements relied upon in support thereof: Provided always, that on the hearing of any appeal against any order of removal it shall not be lawful for the respondents to go into or give evidence of any other grounds of removal than those set forth in such statement (d).

III. The clerk to the justices who shall make any order of removal shall keep the depositions upon which such order was made, and shall within seven days furnish a copy of such depositions to the overseers or guardians as aforesaid of the parish to which the removal is by such order directed to be made, if such overseers or such guardians shall apply for such copy, and pay for the same at the rate of twopence for every folio of seventy-two words; provided, that no omission or delay in furnishing such copy of the depositions shall be deemed or construed to be any ground of appeal against the order of removal; provided also, that on the trial of any appeal against an order of removal, no such order shall be quashed or set aside, either wholly or in part, on the ground that such depositions do not furnish sufficient evidence to support, or that any matter therein contained or omitted, raises an objection to the order or grounds of removal.

(d) See 4 & 5 Will. 4, c. 76, s. 81; and 12 & 13 Vict. c. 45, s. 1.

#### PRACTICE.

On an appeal against an order of removal, it is the duty of the appellants to produce the original order, and if it be in the hands of the respondents, the appellants cannot put in evidence the copy which has been served upon them unless they have given notice to the respondents to produce the original: *Reg. v. Sussex JJ.*, 9 Dowl. 125. *Decisions on sect. 2.*

The respondents are at liberty to make a *prima facie* case of a settlement in the appellant parish, by proving relief, even if not entitled, under s. 2 of stat. 11 & 12 Vict. c. 31, to prove a birth settlement; and proof of the birth settlement is properly admitted to disprove the statement in the grounds of appeal that the relief had been given by mistake: *Reg. v. Bucknell*, 18 Jur. 533; 3 E. & B. 587; 23 L. J. M. C. 129; 23 L. T. 142.

#### APPEAL.

On appeal against an order for the maintenance of a pauper lunatic under stat. 8 & 9 Vict. c. 126, s. 62, it is no valid ground of objection that the order of justices, recited in the order of maintenance, adjudicating the pauper's place of settlement, was made upon hearsay evidence only, such objection being cured by 11 & 12 Vict. c. 31, s. 3: *Reg. v. St. Peter, Barton-upon-Humber*, 17 Q. B. 630; 21 L. J. M. C. 23. *Decisions on sect. 3.*

An application for a *mandamus* to sessions to enter continuances and hear an appeal must be made during the term next after the sessions at which the appeal came on for hearing, and not afterwards.—Notice of chargeability and statement of grounds of removal were sent by post on

As to the sufficiency of statement of grounds of removal or appeal.

Power to amend statement of grounds of removal or appeal.

IV. "And whereas a statement of the grounds of removal or of appeal is required to be communicated for the purpose of enabling the party receiving it to inquire into the subject of such statement, and, if need be, to prepare for trial:" Be it therefore enacted, that upon the hearing of any appeal against an order of removal no objection whatever on account of any defect in the form of setting forth any ground of removal or of appeal in any such statement shall be allowed, and no objection to the reception of legal evidence offered in support of a ground of removal or appeal alleged to be set forth in any such statement shall prevail, unless the court shall be of opinion that such alleged ground is so imperfectly or incorrectly set forth as to be insufficient to enable the party receiving the same to inquire into the subject of such statement, and to prepare for trial: Provided always, that in all cases where the court shall be of opinion that any such objection to such statement or to the reception of evidence ought to prevail, it shall be lawful for such court, if it shall so think fit, to cause any such statement of grounds of removal or appeal to be forthwith amended by some officer of the court or otherwise, on such terms as to payment of costs to the other party, or postponing the trial to another day in the same sessions or to the next subsequent sessions, or both payment of costs and postponement, as to such court shall appear just and reasonable (*d*).

(*d*) See 12 & 13 Vict. c. 45, s. 3.

#### APPEAL—continued.

Decisions on sect. 3.

the 28th of September, and received in due course of post on the 29th. The appellants applied for a copy of depositions by post on the 19th of October; the application was received in due course of post by the respondents on the 20th; the appellants received a copy on the 21st, and gave notice of appeal on the 28th: Held, that the day of actually receiving the notice and statement according to the course of the post was the day when, within the meaning of the 11 & 12 Vict. c. 31, s. 9, they were sent; that the application for a copy was therefore made within twenty-one days, and that consequently the notice of appeal was in time: *Reg. v. Richmond*, 31 L. T. 115; 4 Jur. (N. S.) 456; 27 L. J. M. C. 197; 31 L. T. 115; 22 J. P. (N.) 321, 674.

#### GROUND OF REMOVAL.

Decisions on sect. 4.

Where the grounds of removal did not allow evidence to be given of a former order of removal unappealed against, and the court, on application, added a ground expressly setting forth this, it was held, that it was competent to the court to make such an amendment under 11 & 12 Vict. c. 31, s. 4: *Llangenny v. Merthyr Tydvil*, 27 J. P. 452; 8 L. T. (N. S.) 696; S. C. nom. *Reg. v. Llangenney*, 32 L. J. M. C. 265; 10 Jur. (N. S.) 126; 4 B. & S. 311.

Grounds of removal of a pauper stated the settlement to be derived from her great-grandfather through her grandfather and father; and proceeded to state that the settlement of the great-grandfather had been acknowledged by the appellant parish by relief given to his widow, and by an order submitted to for the removal of a grandson. On the trial of the appeal, the respondents tendered in evidence an order of removal to the

V. If either of the parties to the said appeal shall have included in the statement of grounds of removal or of appeal sent to the opposite party, any ground or grounds of removal or of appeal which shall, in the opinion of the court determining the appeal, be frivolous and vexatious, such party shall be liable, at the discretion of the said court, to pay the whole or any part of the costs incurred by the other party in disputing any such ground or grounds (e), such costs to be recovered in the same manner as any penalties or forfeitures are recoverable under the said Act passed in the session of parliament holden in the fourth and fifth years of the reign of His late Majesty King William the Fourth (f).

Party making frivolous or vexatious statement of grounds of removal or appeal liable to pay costs.

VI. If upon the trial of any appeal against an order of removal, or upon the return to a writ of *certiorari*, any objection shall be made on account of any omission or mistake in the drawing up of such order, and it shall be shown to the satisfaction of the court that sufficient grounds were in proof before the magistrates making such order to have authorized the drawing up thereof free from the said omission or mistake, it shall be lawful for the court, upon such terms as to payment of costs as it shall think fit, to amend such order of removal, and to give judgment as if no such omission or mistake had existed: Provided always, that no objection on account of any omission or mistake, in an order of removal brought up upon a return to a writ of *certiorari* shall be allowed, unless such omission or mistake shall have been specified in the rule for issuing such writ of *certiorari* (g).

Power for court to amend order of removal on account of omission or mistake.

Proviso.

(e) See 8 & 9 Will. 3, c. 30, s. 3; 9 Geo. 1, c. 7, s. 9; 4 & 5 Will. 4, c. 76, s. 83; and 12 & 13 Vict. c. 45, s. 4.  
(f) See 4 & 5 Will. 4, c. 76, s. 99.  
(g) See 5 Geo. 2, c. 19; and 12 & 13 Vict. c. 45, s. 7.

#### GROUND OF REMOVAL—continued.

appellant parish, and submitted to by them, of the wife of another grandson of the great-grandfather, under the same derivative settlement. The sessions admitted the evidence, subject to a case for the opinion of the Court of Queen's Bench, and it was held, first, that the decision of the sessions was final, and could not be reviewed by the court, by reason of 11 & 12 Vict. c. 31, ss. 4, 7. Secondly, that, assuming the decision of the sessions could be reviewed, the evidence was rightly admitted, either as confirming the other specified instances of acknowledgment, or as independent evidence of the settlement relied on: *Reg. v. Ruyton of the Eleven Towns*, 7 Jur. (N. S.) 967; 30 L. J. (N. S.) M. C. 229; 1 B. & S. 534.

Decisions on sect. 4.

#### JURISDICTION OF JUSTICES

An order of removal having "Borough of D." in the margin, reciting a complaint by the overseers of a parish in the borough of D. to R. and K., "being two of Her Majesty's justices of the peace having jurisdiction within and for the said borough," and not otherwise showing that the order was made within their jurisdiction, was held bad: *Reg. v. Newton Ferrers*, 9 Q. B. 32; 10 J. P. 338.

Decision on sect. 6.

Decisions of  
courts upon  
hearing of  
appeals final.

VII. The decision of the court upon the hearing of any appeal against any order of removal, as well upon the sufficiency and effect of the statement of the grounds of removal and of appeal, and of the notice of chargeability, and of the copy or counterpart of the order of removal sent to the appellant parish, as upon the amending or refusing to amend the order of removal as aforesaid, or the statement of grounds of removal or appeal, shall be final, and shall not be liable to be reviewed in any court, by means of a writ of *certiorari* or *mandamus*, or otherwise (*f*).

(*f*) See 12 & 13 Vict. c. 45, s. 9.

#### PRACTICE.

*Decisions on  
sect. 7.*

When the sessions state facts fully and particularly from whence they infer fraud, the court can draw their own conclusions from those facts, without regard to the sessions' finding: *Rex v. Worland*, 1 T. R. 261.

Where the sessions, on appeal, quashed an order of removal on the ground of its appearing that the pauper had not been adduced and examined before the removing justices touching his settlement, and it not being stated that the pauper had not been summoned before the justices, the court quashed the order of sessions, and directed a re-hearing of the appeal: *Rex v. Tavistock*, 3 D. & R. 427.

Where the sessions refused to respite an appeal on the application of one of the parties unless on payment of costs of the day, and the appeal was not entered, the court held that they exercised a proper discretion in refusing to respite, and their not having entered the appeal was immaterial: *Rex v. Monmouthshire JJ.*, 1 B. & Ad. 895.

Where appellants delivered insufficient grounds of appeal against an order of removal, and applied to the sessions to adjourn the appeal, which the court refused, thinking that they had no such power, and confirmed the order, a *mandamus* will not lie to compel the sessions to enter continuances and hear the appeal: *Reg. v. Staffordshire JJ.*, 12 L. J. M. C. 9; 7 Jur. 66.

If a party to an appeal knowing of the interest of a justice on the bench in the case, expressly or impliedly assent to such justice acting, he cannot afterwards make an objection on that ground: *Reg. v. Cheltenham*, 1 Q. B. 467.

If the justices exercise their jurisdiction erroneously, *mandamus* will not lie to them to hear and adjudicate upon an appeal: *Reg. v. Blanchard*, 13 Q. B. 318; 13 J. P. 104; 18 L. J. M. C. 110.

Upon the trial of a parish appeal, F. S., one of the justices, who was a rated inhabitant of the appellant parish, was on the bench during the hearing, and in the course of the proceedings referred the chairman of the quarter sessions to some of the documents put in evidence. Upon an observation being made that he was a party interested, F. S. stated that he should take no part in the decision, but he remained in court until the final decision, which was in favour of the appellants. It was sworn that he did not vote or give any opinion upon the question at issue, nor did he influence the decision of the other justices present, and that if he had not believed that the parties were satisfied with his assurance that he would take no part, he would have retired from the court during the trial: Held, that under these circumstances the order of sessions was invalid by reason of the presence of the interested justice: *Reg. v. Suffolk JJ.*, 18 Q. B. 416; 21 L. J. M. C. 169.

Where the sessions have decided that sufficient search had not been

VIII. In any case in which an order shall have been made for the removal of any poor person, and a copy or counterpart thereof sent as by law required, it shall and may be lawful for the overseers or guardians of the parish who shall have obtained such order of removal, whether any notice of appeal against such order shall or shall not have been given, and whether any appeal shall have been entered or not, to abandon such order by notice in writing under the hands of such overseers or guardians, or any three or more of such guardians, to be sent by post or delivered to the overseers or guardians as aforesaid of the parish to which such person is by the said order directed to be removed (*g*) ; and thereupon the said order and all proceedings consequent thereon, shall become and be null and void to all intents and purposes as if the same had not been made, and shall not be in any way given in evidence in case any other order of removal of the same person shall be obtained : Provided always, that in all cases of such abandonment the overseers or guardians of the parish so abandoning shall pay to the overseers or guardians of the parish to which such person is by the said order directed to be removed the costs which the said last-mentioned overseers or guardians shall have incurred by reason of such order, and of all subsequent proceedings thereon, which costs the proper officer of the court before whom any such appeal (if it had not been abandoned) might have been brought, shall and he is hereby required, upon application, to tax and ascertain at any time, whether the court shall be sitting or not, upon production to him of such notice of abandonment, and upon proof to him that such reasonable notice of taxation together with a copy of the bill of costs, has been given to the overseers or guardians abandoning such order as the distance between the parishes shall in his judgment require, and thereupon the sum allowed for costs, including the usual costs of taxation, which such officer is hereby empowered to charge and receive, shall be indorsed upon the said notice of abandonment, and the said notice so indorsed shall be filed among the records of the said court ; and if the said costs so allowed be not paid within ten days after such costs shall have been lawfully demanded, the amount thereof may be recovered from such last-mentioned overseers or guardians in the same manner as any penalties or forfeitures are recoverable under the

Abandonment  
of orders of  
removal.

As to payment  
of costs on  
abandonment.

(*g*) See 12 & 13 Vict. c. 45, s. 6.

#### PRACTICE—continued.

made for an agreement so as to let in secondary evidence, the court will not interfere unless it sees clearly that the sessions were wrong: *Reg. v. Decisions on Saffron Hill*, 22 L. J. M. C. 22.

Mere proof that there has been some delay on the part of the appellants in taking steps to avoid the order, does not preclude the justices from exercising their discretion, nor compel them to dismiss the appeal: *Reg. v. Derbyshire JJ.*, 25 L. T. (N. S.) 161.

said Act passed in the session of parliament holden in the fourth and fifth years of the reign of King William the Fourth (a).

No appeal if notice be not given within a certain time after notice of chargeability.

IX. No appeal shall be allowed against any order of removal if notice of such appeal be not given as required by law (b), within the space of twenty-one days after the notice of chargeability and statement of the grounds of removal shall have been sent by the overseers or guardians of the removing parish to the overseers or guardians of the parish to which such order shall be directed, unless within such period of twenty-one days a copy of the depositions shall have been applied for as aforesaid by the last-mentioned overseers or guardians, in which case a further period of fourteen days after the sending of such copy shall be allowed for the giving of such notice of appeal (c); but in such case no poor person shall be removed under such order of removal until the expiration of such further period of fourteen days.

(a) See 4 & 5 Will. 4, c. 76, s. 99. (b) See 4 & 5 Will. 4, c. 76, s. 79.

(c) See 14 & 15 Vict. c. 105, s. 10.

#### COSTS.

#### Decisions on sect. 8.

Costs of appeals which were not ascertained during the sitting of the court were afterwards taxed by the clerk of the peace, and this was sufficient: *Reg. v. Westmoreland JJ.*, 12 L. J. M. C. 113; 7 J. P. 658.

In an excise prosecution where the Crown, if successful, is entitled to full costs of suit, the Crown is entitled to full costs in an ordinary suit between subject and subject, notwithstanding that the Crown solicitor conducting the information is employed by the Crown at an annual salary: *Attorney General v. Skillibeer*, 4 Exch. 606; 19 L. J. Exch. 115.

If the respondent parish give notice to the appellant parish under 11 & 12 Vict. c. 31, s. 8, that they abandon their order of removal, the sessions have no power to proceed with the appeal, though it has been respited on terms at a previous session; and if they quash the order of removal and give costs to the appellants, their order is null and cannot be removed into the Queen's Bench for the purpose of being enforced: *Killymaenllwydd v. St. Michael's, Pembroke*, 21 L. J. M. C. 79; 16 J. P. 150.

An agreement between a client and a solicitor, that the solicitor shall be paid a fixed yearly salary, to be clear of all expenses of his office, and to include all emoluments, he paying to the client any surplus which may arise of receipts over payments, is not opposed to the Attorneys and Solicitors Act, nor to the policy of the law, where it is also a term of the agreement that the solicitor is not to transact professional business for any other client;—and if a client and his solicitor agree that the solicitor should be paid a fixed salary, and should receive no costs beyond disbursements, *query*, whether an adverse party in a suit, on being ordered to pay costs, could be compelled to pay the client any costs beyond the solicitor's disbursements: *Galloway v. London Corporation*, L. R. 4 Eq. 90.

#### NOTICE OF APPEAL.

#### Decisions on sect. 9.

The provisions in 11 & 12 Vict. c. 31, extended to appeals against orders of maintenance under 8 & 9 Vict. c. 126; and notice of appeal against such orders was to be given within 21 days after service of the notice of chargeability, &c., or within 14 days from sending copies of the depositions: *Reg. v. Glamorganshire JJ.*, 13 Q. B. 561; 18 L. J. M. C. 118.

X. All the provisions which relate to the sending and service of copies of orders of removal shall apply to such orders when suspended, and to all orders consequent upon such suspension, and to all copies of charges arising thereon, and demands of payment of such charges (*d*). Service of suspended orders of removal and orders consequent thereon.

(*d*) See 4 & 5 Will. 4, c. 76, ss. 79, 84; and 14 & 15 Vict. c. 105, ss. 8, 10.

#### NOTICE OF APPEAL—continued.

An erroneous statement that the appeal would be made to the county sessions is surplusage, and the notice will otherwise be a sufficient notice within 11 & 12 Vict. c. 31, s. 9: *Reg. v. Recorder of Liverpool*, 15 Q. B. 1070; 14 J. P. 782. Decisions on sect. 9.

The notice, if sent by post under 14 & 15 Vict. c. 105, s. 10, is to be considered as given on the day on which, by the ordinary course of post, it ought to have reached the party to whom it is sent, though in fact it arrive by the post on a later day: *Reg. v. Slawstone*, 18 Q. B. 388; 21 L. J. M. C. 145; 16 Jur. 1066.

The 21 days mentioned in 11 & 12 Vict. c. 31, s. 9, are to be reckoned from the day on which the notice reaches the overseer of the parish to which the order of removal is directed. Notices of chargeability, &c., when sent by post, are "sent" within the meaning of 11 & 12 Vict. c. 31, s. 9, on the day they are delivered: *Reg. v. Richmond*, 1 E. B. & E. 253; 4 Jur. (N. S.) 456; 27 L. J. M. C. 197; 31 L. T. 115; 22 J. P. (N.) 321, 674.

Since the 11 & 12 Vict. c. 31, s. 9, the service of notice of the chargeability, together with the other documents, is the only grievance against which a right of appeal exists: *Reg. v. Recorder of Shrewsbury*, 17 Jur. 547; 1 E. & B. 711; 22 L. J. M. C. 98; 21 L. T. 58.

Where sessions refused to hear an appeal on the ground that the notice named the wrong sessions, the court granted a *mandamus* to hear the appeal, it appearing that the sessions had refused to hear, not on the ground of judging the notice unreasonable, but because they considered the mistake in it to preclude them in law from hearing it at all: *Reg. v. Buckinghamshire JJ.*, 4 E. & B. 259; 19 J. P. 148.

The term "notice of appeal" in 11 & 12 Vict. c. 31, s. 9, does not in any way apply to the "statement of the grounds of appeal:" *Reg. v. Recorder of Derby*, 20 L. J. M. C. 44; 14 J. P. 753.

If there be not time to go to trial at the next sessions, the appellants must enter and respite at such sessions: *Reg. v. York, W. R., JJ.*, 31 L. T. 232; 27 L. J. M. C. 269; 5 Jur. (N. S.) 17; E. B. & E. 713; S. C. In re *Bromsgrove and Halifax*, 22 J. P. (N.) 417.

An order of removal from the parish of A. to the parish of B. was made and duly served with other documents on the 23rd October, 1861. On the 6th November, the appellants applied to the respondent overseers for a copy of the depositions, "as (they stated) it is intended to appeal against such order of removal." The respondents took no notice whatever of this application, and on the expiration of 21 days they removed the paupers. On the 10th December, the appellants gave notice of appeal, and on the 20th they applied to the justices' clerk for copies of the depositions. At the ensuing January sessions, the appellants applied to enter and respite their appeal, which was entered and respited accordingly; but upon the order of sessions for such entry and respite being brought up to be quashed, it was held that the appellants had lost their right of appeal by not giving their notice in time; their application on the 6th November for copies of the depositions being made to the wrong parties (*i.e.*, to the parish officers instead of to the clerk to the justices), and that such application was not of itself a notice of appeal: *Reg. v. St. Alkmund, Derby*, 32 L. J. M. C. 99; 7 L. T. (N. S.) 622; 27 J. P. 54, 263; 9 Jur. (N. S.) 744; 3 B. & S. 347.

4 & 5 Will. IV. c. 76, and all Acts amending the same, to be construed with this Act.

XI. The said Act passed in the session of parliament holden in the fourth and fifth years of the reign of His late Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," and all Acts to amend and extend the same, and the present Act, shall (except so far as the provisions of any former Act are altered, amended, or repealed by any subsequent Act), be construed as one Act.

\* \* \* \* \*

### 11 & 12 VICT. CHAP. 42.

AN ACT to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to Persons charged with Indictable Offences.

[14th August, 1848.]

\* \* \* \* \*

Justices for adjoining counties, &c. may act as such for one county, &c. while residing in another.

All acts of justices, &c. to be valid.

Constables, &c. apprehending offenders in one such county, &c. may take them before such justice in the adjoining county, &c.

V. In cases where a justice of the peace for any county, riding, division, liberty, city, borough, or place shall be also justice of the peace for a county, riding, division, liberty, city, borough, or place next adjoining thereto or surrounded thereby, it shall and may be lawful for such justice of the peace to act as such justice for the one county, riding, division, liberty, city, borough, or other place whilst he is residing or happens to be in the other such county, riding, division, liberty, city, borough, or other place, in all matters and things hereinbefore or hereafter in this Act mentioned; and all such acts of such justice, and the acts of any constable or other officer in obedience thereto, shall be as valid, good, and effectual in the law to all intents and purposes as if such justice at the time he shall so act as aforesaid were in the county, riding, division, liberty, city, borough, or other place for which he shall so act; and all constables and other officers for the county, riding, division, liberty, city, borough, or place for which such justice shall so act as aforesaid are hereby authorized and required to obey the warrants, orders, directions, act or acts of such justice which in that behalf shall be granted, given, or done, and to do and perform their several offices and duties in respect thereof, under the pains and penalties to which any constable or other officer may be liable for a neglect of duty; and any such constable or other peace officer, or any other person, apprehending or taking into custody any person offending against law, and whom he lawfully may and ought to apprehend or take into custody, by virtue of his office or otherwise, in any such county, riding, division, liberty, city, borough, or place, may lawfully take and convey such person so apprehended and taken as aforesaid to and before any such justice of the peace for such county, riding, division, liberty, city, borough, or place whilst such justice shall

be in such adjoining county, riding, division, liberty, city, borough, or place as aforesaid, and the said constables and other peace officers, and all such other persons as aforesaid, are hereby authorized and required in all such cases so to act in all things as if the said justice of the peace were within the said county, riding, division, liberty, city, borough, or place for which he shall so act (a).

VI. It shall be lawful for any justice or justices of the peace acting for any county at large, or for any riding or division of such county, to act as such at any place within any city, town, or other precinct, being a county of itself, or otherwise having exclusive jurisdiction, and situated within, surrounded by, or adjoining to any such county, riding, or division respectively, and that all and every such act and acts, matters and things, to be so done by such justice or justices within such city, town, or precinct, as justice or justices for such county, riding, or division respectively, shall be as valid and effectual in law as if the same had been done within such county, riding, or division respectively, to all intents and purposes whatsoever: Provided always, that nothing in this Act contained shall extend to give power to the justices of the peace for any county, riding, or division, not being also justices for such city, town, or other precinct, or not having authority as justices of the peace therein, or any constable or other officer acting under them, to act or intermeddle in any matters or things arising within any such city, town, or precinct, in any manner whatsoever (a).

VII. "And whereas doubts have arisen whether the powers given to justices by an Act passed in the session of parliament held in the second and third years of the reign of Her present Majesty, intituled 'An Act for the better Administration of Justice in detached Parts of Counties,' are applicable to cases of summary jurisdiction and to acts merely ministerial: "Be it hereby declared and enacted, that all the acts of any justice or justices, and of any constable or officer in obedience thereto, shall be as good in relation to any detached part of any county which is surrounded in whole or in part by the county for which such justice or justices acts or act as if the same were to all intents and purposes part of the said county; and all constables and other officers of such detached part are hereby required to obey the warrants, orders, and acts of such justice or justices, and to perform their several duties in respect thereof, under the pains and penalties to which any constable or other officer may be liable for a neglect of duty (b).

\* \* \* \*

XXVI. The constable or any of the constables or other persons to whom the said warrant of commitment shall be directed shall convey such accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with such warrant, to the gaoler, keeper, or governor of such gaol or prison, who shall thereupon

(a) See 11 & 12 Vict. c. 43, s. 6.

(b) See 2 & 3 Vict. c. 82.

give such constable or other person so delivering such prisoner into his custody a receipt (T. 2.) for such prisoner, setting forth the state and condition in which such prisoner was when he was delivered into the custody of such gaoler, keeper, or governor; and in all cases where such constable or other person shall be entitled to his costs or expences for conveying such person to such prison as aforesaid it shall be lawful for the justice or justices who shall have committed the accused party, or for any justice of the peace in and for the said county, riding, division, or other place of exclusive jurisdiction wherein the offence is alleged in the said warrant to have been committed, to ascertain the sum which ought to be paid to such constable or other person for conveying such prisoner to such gaol or prison, and also the sum which should reasonably be allowed him for his expences in returning, and thereupon such justice shall make an order (T. 2.) upon the treasurer of such county, riding, division, liberty, or place of exclusive jurisdiction, or if such place of exclusive jurisdiction shall be contributory to the county rate of any county, riding, or division, then upon the treasurer of such county, riding, or division respectively, or, in the county of Middlesex, upon the overseers of the poor of the parish or place within which the offence is alleged to have been committed, for payment to such constable or other person of the sums so ascertained to be payable to him in that behalf; and the said treasurer or overseers, upon such order being produced to him or them respectively, shall pay the amount thereof to such constable or other person producing the same, or to any person who shall present the same to him or them for payment: Provided nevertheless, that if it shall appear to the justice or justices by whom any such warrant of commitment against such prisoner shall be granted as aforesaid that such prisoner hath money sufficient to pay the expences, or some part thereof, of conveying him to such gaol or prison, it shall be lawful for such justice or justices, in his or their discretion, to order such money or a sufficient part thereof to be applied to such purpose.

\* \* \* \* \*

#### 11 & 12 VICT. CHAP. 43.

AN ACT to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to Summary Convictions and Orders (a).  
[14th August, 1848.]

\* \* \* \* \*

Description of the property of partners, &c.; of any property belonging to or in the possession of partners, IV. In any information or complaint, or the proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to or in the possession of partners,

(a) With reference to this and the preceding statute, see Jervis's Acts, by Glen, 3rd edition.

joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be, \* \* \* and all goods provided by parish officers for the use of the poor may in any such information or complaint, or the proceedings thereon, be described as the goods of the churchwardens and overseers of the poor of the parish, or of the overseers of the poor of the township or hamlet, or of the guardians of the poor of the union to which the same belong, without naming any of them ; \* \* \*

of the property  
in goods provided for the  
poor.

VI. Such of the provisions and enactments in the Act aforesaid made and passed in this present session of parliament, intituled "An Act to facilitate the performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Persons charged with Indictable Offences," whereby a justice of the peace for one county, riding, division, liberty, city, borough, or place may act for the same whilst residing or being in an adjoining county, riding, division, liberty, city, borough, or place of which he is also a justice of the peace, or whereby a justice of the peace for any county at large, riding, division, or liberty may act as such within any city, town, or precinct next adjoining thereto or surrounded thereby, being a county of itself or otherwise having exclusive jurisdiction, as are applicable to the provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all acts required of or to be performed by justices of the peace under or by virtue of this Act, in as full and ample a manner as if the said provisions and enactments were here repeated and made parts of this Act (b).

Provisions of  
11 & 12 Vict.  
c. 42, as to  
justices in one  
county, &c.  
acting for  
another to  
extend to this  
Act.

VIII. In all cases of complaints upon which a justice or justices of the peace may make an order for the payment of money or otherwise it shall not be necessary that such complaint shall be in writing, unless it shall be required to be so by some particular Act of parliament upon which such complaint shall be framed.

Complaints  
for an order  
need not be in  
writing.

X. Every such complaint upon which a justice or justices of the peace is or are or shall be authorized by law to make an order, and that every information for any offence or act punishable upon summary conviction, unless some particular Act of parliament shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof; except in cases of informations where the justice or justices receiving the same shall thereupon issue his or their warrant in the first instance, to apprehend the defendant as aforesaid, and in every such case where the justice or justices shall issue his or their warrant in the first instance the matter

Manner of  
making com-  
plaint or lay-  
ing informa-  
tion.

When warrant  
issued in the

(b) See 11 & 12 Vict. c. 43, s. 35; and 26 & 27 Vict. c. 77, s. 1.

first instance information to be upon oath, &c.

of such information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such warrant shall be issued; and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint; and every such information shall be for one offence only, and not for two or more offences; and every such complaint or information may be laid or made by the complainant or informant in person, or by his counsel or attorney or other person authorized in that behalf (a).

Time limited for such complaint or information.

XI. In all cases where no time is already or shall hereafter be specially limited for making any such complaint or laying any such information in the Act or Acts of parliament relating to each particular case, such complaint shall be made and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose (b).

\* \* \* \* \*

Prosecutors and complainants in certain cases to be deemed competent witnesses, and examined upon oath, &c.

XV. Every prosecutor of any such information, not having any pecuniary interest in the result of the same, and every complainant in any such complaint as aforesaid, whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint respectively; and every witness at any such hearing as aforesaid shall be examined upon oath or affirmation, and the justice or justices before whom any such witness shall appear for the purpose of being so examined shall have full power and authority to administer to every such witness the usual oath or affirmation.

\* \* \* \* \*

After appeal against conviction or order justice may issue warrants

XXVII. After an appeal against any such conviction or order as aforesaid shall be decided, if the same shall be decided in favour of the respondents, the justice or justices who made such conviction or order, or any other justice of the peace of the

(a) See 31 & 32 Vict. c. 72, s. 14. 11 & 12 Vict. c. 91, s. 9; and 12 &

(b) See 7 & 8 Vict. c. 101, s. 32; 13 Vict. c. 103, s. 9.

#### JUSTICES OF ADJOINING COUNTY.

*Decision on sect. 10.*

An order made, in fact, at Stoney Stratford, in Bucks, and purporting to be made at Stoney Stratford, without naming the county, by magistrates who were justices of the two adjoining counties of Bucks and Oxford, for the removal of a pauper from a parish in Oxfordshire into one in Northamptonshire, is bad. The 35th section of 11 & 12 Vict. c. 43, qualifies the enactment in sect. 6 of the same statute, and justices for adjoining counties cannot act in one for the other in respect of any matter excluded from the operation of sect. 35: *Reg. v. Tiffeld*, 22 J. P. 784.

#### VAGRANT ACT PROSECUTIONS.

*Decision on sect. 11.*

Where a man runs away from his wife and children and they do not become chargeable until some time after such desertion, the offence under 5 Geo. 4, c. 83, ss. 3, 4, is not complete until such chargeability arises; and therefore the six months limited by 11 & 12 Vict. c. 43, s. 11, for laying the information, is to be reckoned from the latter event: *Reeves v. Feates*, 31 L. J. M. C. 241; 8 Jur. (N. S.) 751; 26 J. P. 808.

same county, riding, division, liberty, city, borough, or place, may issue such warrant of distress or commitment as aforesaid for execution of the same, as if no such appeal had been brought; and if upon any such appeal the court of quarter sessions shall order either party to pay costs, such order shall direct such costs to be paid to the clerk of the peace of such court, to be by him paid over to the party entitled to the same, and shall state within what time such costs shall be paid; and if the same shall not be paid within the time so limited, and the party ordered to pay the same shall not be bound by any recognizance conditioned to pay such costs, such clerk of the peace or his deputy, upon application of the party entitled to such costs, or of any person on his behalf, and on payment of a fee of one shilling, shall grant to the party so applying a certificate (R.) that such costs have not been paid; and upon production of such certificate to any justice or justices of the peace for the same county, riding, division, liberty, city, borough, or place, it shall be lawful for him or them to enforce the payment of such costs by warrant of distress (S. 1.) in manner aforesaid, and in default of distress he or they may commit (S. 2.) the party against whom such warrant shall have issued in manner hereinbefore mentioned for any time not exceeding three calendar months, unless the amount of such costs, and all costs and charges of the distress, and also the costs of the commitment and conveying of the said party to prison, if such justice or justices shall think fit so to order, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

of distress for execution of the same.

Costs of appeal, how recovered.

\* \* \* \* \*

XXX. The fees to which any clerk of the peace (c), clerk of the special sessions (c), or clerk of the petty sessions (c), or clerk to any justice or justices out of sessions (c), shall be entitled, shall be ascertained, appointed, and regulated in manner

Regulations as to the payment of clerk's fees.

(c) See 14 & 15 Vict. c. 55, ss. 9, 12.

#### ORDER OF JUSTICES.

The 11 & 12 Vict. c. 43, s. 27, relates only to appeals against summary convictions and orders of justices mentioned in the Act: *Reg. v. Huntley, sect. 27.*  
23 L. J. M. C. 106; 3 E. & B. 172.

An order of quarter sessions for payment of costs to the appellant by the respondents directed them to be paid to the clerk of the peace, to be by him paid over to the parties entitled to the same within three weeks after service of the order, or a copy thereof, upon the appellant: pursuant to 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27, it was held (Wightman, J., *dubitante*), that the order was valid in point of form: *Gay v. Matthews*, 8 L. T. (N. S.) 674; 4 B. & S. 425; 33 L. J. M. C. 14, in error.

#### NOTICE OF ACTION.

To a declaration for that the defendant, on the plaintiff's land, took plaintiff's goods and detained them against sureties and pledges, it was pleaded that the goods were taken under a warrant issued by a justice to enforce an order of quarter sessions for payment of costs of an appeal against a poor rate; and it was held, that this was an action of replevin, and that no notice of action or demand of perusal of the warrant was necessary: *Ib.*

following; (that is to say,) the justices of the peace at their quarter sessions for the several counties, ridings, divisions of counties, and liberties throughout England and Wales, and the council or other governing body of every borough in England and Wales, shall from time to time as they shall see fit respectively, make tables of the fees which in their opinion should be paid to the clerks of the peace, to the clerks of special and petty sessions, and to the clerks of the justices of the peace within their several jurisdictions, and which said tables respectively, being signed by the chairman of every such court of quarter sessions, or by the mayor or other head officer of any such borough respectively, shall be laid before Her Majesty's principal secretary of state (*b*); and it shall be lawful for such secretary of state, if he thinks fit, to alter such table or tables of fees, and to subscribe a certificate or declaration that such fees are proper to be demanded and received by the several clerks of the peace, clerks of special sessions and petty sessions, and the clerks to the several justices of the peace throughout England and Wales; and such secretary of state shall cause copies of such table or set of tables of fees to be transmitted to the several clerks of the peace throughout England and Wales, to be by them distributed to the several clerks of special sessions and petty sessions, and to the clerks to the justices within their several districts respectively; and if after such copy shall be received by such clerks or clerk he or they shall demand or receive any other or greater fee or gratuity for any business or act transacted or done by him as such clerk than such as is set down in such table or set of tables, he shall forfeit for every such demand or receipt the sum of twenty pounds, to be recovered by action of debt in any of the superior courts of law at Westminster, by any person who will sue for the same: Provided always, that until such table or set of tables shall be framed and confirmed and distributed as aforesaid it shall be lawful for such clerk or clerks to demand and receive such fees as they are now by any rule or regulation of a court of quarter sessions or otherwise authorized to demand and receive (*c*).

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Metropolitan police magistrates and stipendiary magistrates in other places may act alone.

XXXIII. Any one of the magistrates appointed or hereafter to be appointed to act at any of the police courts of the metropolis, and sitting at a police court within the metropolitan police district, and every stipendiary magistrate appointed or to be appointed for any other city, town, liberty, borough, or place, and sitting at a police court or other place appointed in that behalf, shall have full power to do alone whatsoever is authorized by this Act to be done by any one or more justice or justices of the peace; and the several forms hereinafter mentioned may be varied, so far as it may be necessary to render them applicable to the police courts aforesaid, or to the court or other place of sitting of such stipendiary magistrate:

(*b*) See 26 Geo. 2, c. 14, s. 1.

(*c*) See 32 & 33 Vict. c. 49, s. 4; and 32 & 33 Vict. c. 67, s. 28.

and nothing in this Act contained shall alter or affect in any manner whatsoever any of the powers, provisions, or enactments contained in an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, intituled "An Act for improving the Police in and near the Metropolis," or in an Act passed in the third year of the reign of Her present Majesty, intituled "An Act for further improving the Police in and near the Metropolis," or in an Act passed in the same year of the reign of Her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis," or in an Act passed in the fourth year of the reign of Her present Majesty, intituled "An Act for better defining the powers of Justices within the Metropolitan Police District."

Nothing to affect powers, &c. contained in 10 Geo. IV. c. 44; 2 & 3 Vict. cc. 47, 71, and 3 & 4 Vict. c. 84.

XXXIV. It shall be lawful for the lord mayor of the city of London, or for any alderman of the said city, for the time being, sitting at the Mansion House, or Guildhall justice rooms in the said city, to do alone any act, at either of the said justice rooms, which by any law now in force, or by any law not containing an express enactment to the contrary hereafter to be made, is or shall be directed to be done by more than one justice; and nothing in this Act contained shall alter or affect in any manner whatsoever any of the powers, provisions, or enactments contained in an Act passed in the third year of the reign of Her present Majesty, intituled "An Act for regulating the Police in the City of London."

The lord mayor, or any alderman of London, may act alone.

Nothing to affect powers, &c. contained in 2 & 3 Vict. c. 94.

XXXV. Nothing in this Act shall extend or be construed to extend to any warrant or order for the removal of any poor person who is or shall become chargeable to any parish, township, or place; nor to any complaints or orders made with respect to lunatics, or the expenses incurred for the lodging, maintenance, medicine, clothing, or care of any lunatic or insane person; nor to any information or complaint or other proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post office; nor shall any thing in this Act extend or be construed to extend to any complaints, orders, or warrants in matters of bastardy made against the putative father of any bastard child, save and except such of the provisions aforesaid as relate to the backing of warrants for compelling the appearance of such putative father or warrants of distress, or to the levying of sums ordered to be paid, or to the imprisonment of a defendant for non-payment of the same; nor shall any thing in this Act extend to any proceedings under the Acts of parliament regulating or otherwise relating to the labour of children and young persons in mills or factories (d).

To what this Act shall not extend.

\* \* \* \* \*

(d) See 26 & 27 Vict. c. 77, s. 1.

#### INFORMATION FOR RECOVERY OF COSTS.

The 11 & 12 Vict. c. 43, s. 35, does not exempt from the operation of *Decisions* on that Act an order under 4 & 5 Will. 4, c. 76, ss. 84 and 99, upon the parish *sect.* 35.

11 & 12 VICT. CHAP. 44.

AN ACT to protect Justices of the Peace from vexatious Actions  
for Acts done by them in Execution of their Office.  
[14th August, 1848.]

WHEREAS it is expedient to protect justices of the peace in the  
execution of their duty: \* \* \*  
\* \* \* \* \*

No action for  
issuing a dis-  
tress warrant  
irregularly.

IV. Where any poor rate shall be made, allowed, and pub-  
lished, and a warrant of distress shall issue against any person  
named and rated therein, no action shall be brought against the  
justice or justices, who shall have granted such warrant by reason  
of any irregularity or defect in the said rate, or by reason of  
such person not being liable to be rated therein; and in  
all cases where a discretionary power shall be given to a justice  
of the peace by any Act or Acts of parliament, no action shall  
be brought against such justice for or by reason of the manner  
in which he shall have exercised his discretion in the execution  
of any such power (a).

No action  
against justices  
in the exercise  
of discre-  
tionary power.

If a justice  
refuse to do an  
act, the Court  
of Queen's  
Bench may by  
rule order him  
to do it, and  
no action shall  
be brought  
against him  
for doing it.

V. And whereas it would conduce to the advancement of  
justice, and render more effective and certain the performance  
of the duties of justices, and give them protection in the per-  
formance of the same, if some simple means, not attended with  
much expense, were devised by which the legality of any act  
to be done by such justices might be considered and adjudged  
by a court of competent jurisdiction, and such justice enabled  
and directed to perform it without risk of any action or other  
proceeding being brought or had against him; Be it therefore

(a) See 17 Geo. 2, c. 33; 12 & 13 Vict. c. 14.

INFORMATION FOR RECOVERY OF COSTS.—continued.

Decisions on  
sect. 35.

of settlement, for payment of the costs of the maintenance of a pauper,  
incurred between the service of the order of removal and the actual removal.  
The information for non-payment must therefore be laid within the six  
months: *Hill v. Thorncroft*, 30 L. J. M. C. 52; *S. C. Cullompton*,  
app., *Brighton*, resp., 3 L. T. (N. S.) 318; 7 Jur. (N. S.) 163.

JURISDICTION OF MAYOR OF BOROUGH.

A borough formed part of the petty sessional division of the county  
within which it was situated, but had no separate court of quarter sessions,  
the justices for the county acting as justices for the borough, concurrently  
with the mayor, according to 5 & 6 Will. 4, c. 76, s. 57, and there was a  
treasurer of the borough: Held, that the mayor, while acting as justice for  
the borough, was in the nature of a justice for the county with powers  
limited to a special locality, and that penalties imposed by the borough  
justices must, in the absence of directions in the penal statute, be paid  
to the county treasurer: *Reigate, Mayor, &c., of, v. Hunt*, 7 L. J. M. C.  
70; 9 B. & S. 129.

enacted, that in all cases where a justice or justices of the peace shall refuse to do any act relating to the duties of his or their office as such justice or justices, it shall be lawful for the party requiring such act to be done to apply to Her Majesty's Court of Queen's Bench, upon an affidavit of the facts, for a rule calling upon such justice or justices, and also the party to be affected by such act, to show cause why such act should not be done; and if after due service of such rule good cause shall not be shown against it, the said court may make the same absolute, with or without or upon payment of costs, as to them shall seem meet; and the said justice or justices, upon being served with such rule absolute, shall obey the same, and shall do the act required; and no action or proceeding whatsoever shall be commenced or prosecuted against such justice or justices for having obeyed such rule, and done such act so thereby required as aforesaid.

\* \* \* \* \*

VIII. No action shall be brought against any justice of the peace for any thing done by him in the execution of his office, unless the same be commenced within six calendar months next after the act complained of shall have been committed. Limitation of action.

IX. No such action shall be commenced against any such justice of the peace until one calendar month at least after a notice in writing of such intended action shall have been delivered to him, or left for him at his usual place of abode, by the party intending to commence such action, or by his attorney or agent, in which said notice the cause of action, and the court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the said attorney or agent, if such notice have been served by such attorney or agent. Notice of action.

\* \* \* \* \*

## 11 & 12 VICT. CHAP. 82.

AN ACT to amend the Law for the Formation of Districts for the Education of Infant Poor.

[31st August, 1848.]

“WHEREAS by an Act passed in the eighth year of the reign of Her Majesty Queen Victoria, intituled ‘An Act for the further Amendment of the Laws relating to the Poor in England,’ provisions are made for the combination of unions into districts for the management of infant poor not above the age of sixteen years, and by reason of certain restrictions therein contained the provisions so made for such purpose have proved inoperative, and it is expedient that such of the restrictions as are hereinafter mentioned should in certain cases be removed:” Be it

Removal of limitations on the area of the school district, the expense of building, and the amount of certain expenditure in certain cases.

therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that so much of the said Act as prevents the commissioners therein mentioned from including in any such district any parish, any part of which would be more than fifteen miles from any other part of such district (*a*), and so much thereof as provides that the principal sum or sums to be raised for the purpose of providing any building or buildings for any school for any such district as aforesaid, and charged on any union, or on any parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any such parish for three years ending the twenty-fifth day of March next preceding the raising of such money (*b*), shall not apply to prevent the combination of any union, or any parish not in union, for the purposes aforesaid, nor the raising of any money for the purpose aforesaid, when the major part of the guardians of the several unions and parishes not in union proposed to be combined shall previously thereto consent in writing to such combination (*c*).

Certain provisions in 5 & 6 Vict. c. 57, relating to guardians extended to members of district boards formed under 7 & 8 Vict. c. 101.

II. All the provisions contained in the statute passed in the sixth year of the reign of Her Majesty intituled "An Act to continue until the Thirty-first day of July, One thousand eight hundred and forty-seven, and to the end of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England," in respect of the election, qualification, resignation, and the acts of guardians of a union, and in respect of the supply of vacancies in the board of guardians (*d*), shall apply to the members of the district boards formed or to be formed under the authority of the first-recited Act and of this Act.

Interpretation of Act.

III. The several words in this Act shall be construed in the manner prescribed in the said first-recited Act (*e*).

## 11 & 12 VICT. CHAP. 90.

AN ACT to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors.

[31st August, 1848.]

"WHEREAS it is expedient to make further regulation as to the payment of rates and taxes now necessary to be made in order to qualify persons to be registered as voters in the election of members of parliament:" Be it enacted by the Queen's most

(*a*) See 7 & 8 Vict. c. 101. s. 40.

(*c*) 31 & 32 Vict. c. 122, s. 10.

(*b*) See *ib.* s. 44; 13 & 14 Vict. c. 101, s. 3; and 14 & 15 Vict. c. 105, s. 16.

(*d*) See 5 & 6 Vict. c. 57, ss. 8-11.

(*e*) See 7 & 8 Vict. c. 101, s. 74.

excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the first day of January, one thousand eight hundred and forty-nine, no person shall be required, in order to entitle him to have his name inserted in any list of voters for any city, town, or borough in England, to have paid any poor's rates or assessed taxes, except such as shall have become payable from him previously to the fifth day of January in the same year; and that no person shall be entitled to be on any such list of voters, unless the poor's rates and assessed taxes payable from him previously to the fifth day of January shall be paid on or before the twentieth day of July next following (*f*).

Time at which rates and taxes must be paid to entitle parties to be on the list of voters for members of parliament.

## 11 &amp; 12 VICT. CHAP. 91.

AN ACT to make Provision for the Payment of Parish Debts, the Audit of Parochial and Union Accounts, and the Allowance of certain Charges therein (*g*).

[31st August, 1848.]

"WHEREAS it is expedient to make some provisions as to the payment in certain cases of debts incurred by the overseers of the poor in parishes after their year of office has expired:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that if the overseers of the poor in any parish shall lawfully, by virtue of their office, contract any debt on account of the parish within three months prior to the termination of their year of office, and the same shall not have been discharged by them before their year of office shall have determined, such debt shall be payable by and recoverable from their immediate successors in office, and chargeable upon the poor rate of the said parish, in like manner as the same would have been payable and chargeable by such first-mentioned overseers during their year of office; and if any such debt shall have been contracted during their year of office, but more than three months prior to its termination, the same shall be payable by and recoverable from their immediate successors in office, if the ratepayers of the parish in vestry assembled, and the commissioners for administering the laws for relief of the poor in England, shall consent, but not (*h*) otherwise.

If overseers contract debts within three months of termination of their year of office, their immediate successors shall discharge the same.

(*f*) See 2 Will. 4, c. 45, s. 30; (*h*) See 17 Geo. 2, c. 38, s. 11; and 5 & 6 Will. 4, c. 76, s. 11. 41 Geo. 3, c. 23, s. 9.

(*g*) See 30 & 31 Vict. c. 106, s. 30.

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LIABILITY OF OVERSEERS FOR DEBTS OF THEIR PREDECESSORS.

The sessions cannot order the succeeding overseers to pay to their predecessors sums of money due to them, for law charges paid by them: *Decisions on 11 & 12 Vict. c. 91, s. 1.*  
*Rex v. St. Peter the Great, Chichester, Foley, 33.*

LIABILITY OF OVERSEERS FOR DEBTS OF THEIR PREDECESSORS—  
continued.

Decisions on  
sect. 1.

If churchwardens and overseers enter into a covenant which binds them personally, they cannot provide that their successor, and not they, shall be liable on the covenant: *Furnival v. Coombes*, 5 M. & G. 736.

An overseer retaining an attorney to conduct parish business at the quarter sessions is not liable personally unless the retainer be specially worded; and he can neither be sued for the costs due in his year of office nor after the year has terminated: *Welby v. Brown*, 11 J. P. 602.

If when a matter is in litigation the parish officers be changed, and a new retainer be not given to the attorney employed, the new parish officers will not be liable for the costs: *Marsh v. Davies*, 17 L. J. Exch. 94; 12 J. P. 297; 1 Exch. 668.

The 1st and 2nd sections of 11 & 12 Vict. c. 91, do not transfer the personal liability of overseers for debts contracted for legal proceedings for parish business to their successors in office: *Chambers v. Jones*, 5 Exch. 229; 19 L. J. Exch. 239.

A poor rate was appealed against, the rate having been made by churchwardens and overseers who had gone out of office. The new officers did not defend the rate, and the sessions quashed it, ordering the respondents to pay full costs. No effort was made to enforce payment of the costs till the day on which those officers quitted office, and they had not paid them previously: Held, that those officers could not apply to set aside the order of sessions on the ground that they apprehended the appellants might seek to make them liable individually for the costs: Held also that the orders were good: *Ex parte Fletton*, 2 L. T. (N. S.) 174.

An action was brought to recover possession of certain premises to which the parish claimed title. A vestry of the parish was held upon the subject and they resolved that the action should be defended by an attorney, who defended it accordingly, and judgment was ultimately given for the plaintiff, but long after the parish officers who were in office at the time of the resolution had gone out of office. Upon an application for a rule calling upon such parish officers to pay the costs, it was held that they were not liable. By the court the churchwardens and overseers could only be liable in their corporate capacity, and if so, being no longer in office, they could not be charged: *Field v. Merrison*, 7 L. T. (N. S.) 754; 27 J. P. 119.

A valuer performed work for A. and B., overseers of a parish, and upon their quitting office performed other work and services for their successors C. and D., and afterwards brought an action against the latter for the amount due to him in respect of the whole work and services. Upon this, C. and D. paid 60*l.* into court, which the plaintiff took out, and entered a *nolle prosequi* to the remainder. Subsequently, he brought an action against A. and B. for the claim in respect of the work done for them when in office, on the ground that in the former suit he had no right of action against C. and D. in respect of the claim against A. and B., and that he took the 60*l.* out of court only in discharge of his claim against C. and D. To this action A. and B. pleaded, upon equitable grounds, a plea setting out the proceedings in the former action, and alleging that the sum of 60*l.* was enough "to satisfy all the said claims made by the said plaintiff in his said action, including his claim in this action." But upon a demurrer to this plea it was held good, and an answer to the action: *Penfold v. West*, 9 L. T. (N. S.) 650; 28 J. P. 214.

A poor rate made on a valuation of a parish having been appealed against, the attorney of the overseers, thinking it advisable that the valuation should be supported by the evidence of a surveyor, with the authority of the parish officers, wrote to the valuer who made the valuation, to secure the services of another valuer for the purpose. The valuer accordingly communicated with the plaintiff, an architect and surveyor, who, to qualify himself for giving evidence, examined the premises in respect of which the

II. Provided nevertheless, that where any proceedings have been commenced or shall be hereafter carried on, for or on behalf of any parish, in a court of law, regarding any matter affecting the poor rates of such parish, it shall not be necessary that the bill of costs of the solicitor or attorney engaged therein shall be paid before the termination of the proceedings, but in any such case the amount of the bill, when duly taxed (a), if otherwise chargeable against the parish, shall be payable out of the poor rates within the space of one year next following the termination of the proceedings, but not afterwards, unless the commissioners aforesaid shall by their order authorize the payment of the costs and expenses attending any such proceedings by annual instalments not exceeding five, to commence from such termination (b).

Provision for payment of bills of costs for legal proceedings.

\* \* \* \* \*

IV. Where any appeal shall be made to the said commissioners against any allowance, disallowance or surcharge made by any auditor in the accounts of any guardians, overseers, or their officers (c), it shall be lawful for the said commissioners to decide the same according to the merits of the case (d); and if they shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject-matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, they may [*by an order under their seal* (e),] direct that the same shall be remitted, upon payment of the costs, if any, which may have been incurred by the auditor or other competent authority in the enforcing of such disallowance or surcharge (c).

Appeal against disallowances and surcharges may be determined by the poor law board on the merits, and such disallowances, &c. may be remitted in certain cases.

V. "And whereas doubts exist as to the powers and duties of auditors in certifying (c) the sums due from the overseers and other officers, and it is desirable to remove such doubts:" Be it therefore enacted, that where any overseer or officer shall be continuing in office at the time when the accounts are audited, the auditor shall certify as due such sums of money only as shall be disallowed or surcharged by him in the accounts so audited (c); but where the term of office of such overseer or

Mode of certifying as to balances to officers.

(a) See 7 & 8 Vict. c. 101, s. 39.

(c) Id. s. 32.

(b) See 17 Geo. 2, c. 38, s. 11;

(d) Id. s. 36.

41 Geo. 3, c. 23, s. 9; and 22 & 23 Vict. c. 49, s. 5.

(e) The words in italics are repealed by 29 & 30 Vict. c. 113, s. 5.

#### LIABILITY OF OVERSEERS FOR DEBTS OF THEIR PREDECESSORS— *continued.*

appeal was made, and afterwards gave evidence on the appeal as to their value. The plaintiff entered his account in his ledger against the parish officers, and sent in his bill to them, but afterwards sued their attorney for the work thus done. The jury having found for the plaintiff, leave was reserved to the defendant to move to enter the verdict for him; and it was held, that the parish officers, and not the defendant, their attorney, who was merely their agent, were liable to the plaintiff: *Lee v. Everest*, 2 H. & N. 285. *Decisions on sect. 1.*

officer shall have expired at the time when the accounts are audited, he shall ascertain the balance which he shall find to be then due on the accounts so audited, together with the sums (if any) which he shall have disallowed or surcharged, and shall give credit for all sums which shall be proved before him to have been paid in respect of such balance to the succeeding overseers or officers, or otherwise lawfully applied on behalf of the parish or union interested therein, before the date of his audit, and he shall certify, report, and recover, in the manner provided by law, the balance remaining due after such credit shall have been given; and every certificate made by any auditor, if made according to the forms set forth in the Schedule hereunto annexed, or to the like effect, shall be deemed to be sufficient: Provided always that where the sum, or the aggregate of the sums, disallowed by the auditor in the account of any officer, shall not amount to forty shillings, the same may be paid over with the balance due from such officer, instead of being paid to the treasurer.

Sums paid by overseers to constables, &c. by order of justices under 18 Geo. III. c. 19, or 5 & 6 Vict. c. 109, not to be disallowed by auditors.

VI. Where any money shall have been paid by an overseer to a constable, headborough, tithing-man, or other peace officer, in obedience to any authority in writing purporting to be an order of a justice made according to the provision of the Act passed in the eighteenth year of the reign of His late Majesty George the Third (*a*), for the payment of the charges of constables in certain cases, or an order of justices in petty sessions assembled, purporting to be made in conformity with the provisions contained in the Act of the sixth year of the reign of Her present Majesty (*b*), for the appointment and payment of parish constables, it shall not be disallowed by any auditor or other authority competent to examine, allow, and disallow the accounts of overseers, on any ground whatsoever (*c*).

Notice of audit to be advertised.

VII. In addition to the notices now required by law to be given by the auditor (*d*), he shall also give notice by advertisement in some newspaper circulating in the county wherein the union or the greater part of it, or, in the case of a parish not comprised in a union, wherein such parish shall be situated, a reasonable time prior to the holding of his audit; and the production of a copy of such newspaper shall in all courts and for all purposes be deemed sufficient evidence of the notice of the audit; and, except where a party, not being an officer bound to account to the auditor, shall be surcharged by such auditor, it shall not be necessary to prove that the audit of any accounts was adjourned, and that notice of any such adjourned audit was given.

As to proceedings necessary to be taken

VIII. If an auditor shall see cause to surcharge (*e*) any person now liable by law to be surcharged by him, and to whom no notice is now required by law to be given (*d*) with any sum

(*a*) See 18 Geo. 3, c. 19, s. 4.                      (*d*) See 7 & 8 Vict. c. 101, s. 33.  
(*b*) See 5 & 6 Vict. c. 109, s. 17.                  (*e*) See *ib.* s. 32.  
(*c*) See 13 & 14 Vict. c. 20, s. 2.

of money in reference to any payment considered by him to have been illegally or improperly made, he shall, if the person be not present at such audit, cause notice in writing of his intention to make such surcharge to be given, by post or otherwise, to the person against whom he shall propose to make this surcharge, addressed to him at his last known place of abode, and shall adjourn the audit, so far as it shall relate to such particular matter, for a sufficient time to allow of such person appearing before him, and showing cause against such surcharge, and at such time the said auditor shall hear the party, if present, and determine according to the law and justice of the case.

IX. In any proceedings to be taken by an auditor, or by his attorney, before justices, to recover sums certified by him to be due (*f*), it shall be sufficient for him to produce a certificate of his appointment under the seal of the poor law commissioners, or of the commissioners aforesaid, and to state and prove that the audit was held, that the certificate was made in the book of account of the union or parish to which the same relates, and that the sum certified to be due had not been paid to the treasurer of the guardians of the union or of the parish, as the case may require, within seven days after the same had been so certified, nor within three clear days before the laying of the information, of which non-payment a certificate in writing purporting to be signed by the treasurer, shall be sufficient proof on the part of the auditor; and if at the hearing of such information it shall be proved that the said sum had been paid to the treasurer subsequently to the date of such last-mentioned certificate, the costs incurred by such auditor shall be paid by the party against whom the information shall be laid, unless he prove that notice of such payment had been given to the auditor twenty-four hours at least prior to the laying of the information.

X. The said commissioners may at any time, upon sufficient cause being shown to them, authorize any person, selected by the auditor, to act temporarily as his deputy, and shall communicate to the several unions and places forming his district the name of the person so appointed to act as his deputy, and such person shall thereupon be empowered to act in all respects, and with the same authorities, and subject to the same duties and liabilities, as the auditor himself is entitled or subject to (*g*).

XI. Where appeals are brought at the same time against the poor rates of several parishes, which may appear to involve some common principle, it shall be lawful for the overseers or

against persons now liable to be surcharged by auditor, and to whom no notice is required to be given.

What shall be required to be proved by auditors in order to recover sums certified by them to be due.

Auditor may, upon cause being shown, appoint a deputy.

Power for parishes, with consent of ves-

(*f*) See 7 & 8 Vict. c. 101, s. 32.

(*g*) See 12 & 13 Vict. c. 103, s. 8; and 31 & 32 Vict. c. 122, s. 24.

#### FINALITY OF AUDITOR'S CERTIFICATE.

It is the duty of justices to issue distress warrant if the statutable proof of the surcharge required by 11 & 12 Vict. c. 91, s. 9, be complete: *sect. 9. Reg. v. Finnis*, E. & E. 935; 28 L. J. M. C. 201; 33 L. T. 146.

tries, mutually to bear the costs of several appeals involving the same common principle.

other authorities therein, with the consent of the respective vestries of such parishes, to enter into an agreement, to be approved of by the said commissioners, mutually to bear the costs which may be properly incurred in and about the trial of such appeals on the part of the several respondents, as well as costs of the appellants, if any, which may be awarded against the respondents, in such proportions as shall be fixed and determined with reference to the amount of interest of the several parishes in the question, or otherwise as shall appear just; and the said agreement shall continue binding upon the several parishes and their respective overseers in succession until the several appeals shall have been finally determined (a).

Power for guardians of parishes, &c. under local Acts to grant out-door relief in the same manner as in unions formed under 4 & 5 Will. IV. c. 76.

XII. "And whereas in certain parishes and unions wherein the relief of the poor is administered by guardians or other competent authorities under the provisions of particular statutes or local Acts applicable thereto doubts have been entertained whether any poor person can be relieved by such guardians or other authorities out of the workhouses belonging to such parishes and unions respectively, and it is expedient to remove such doubts, and to give authority for such relief out of the workhouse:" Be it enacted that, in all cases where the relief of the poor is administered in any parish or union under the provisions of any local Act, it shall be lawful for the guardians or other competent authority administering the relief to the poor in any such parish or union, if they think fit, to administer such relief in all respects in like manner and with the like powers and authorities as any board of guardians of a union formed under the provisions of the Act passed in the fifth year of the reign of His late Majesty aforesaid, is now or shall hereafter be authorized to do: and all relief heretofore granted by such guardians or other authority shall, if otherwise lawfully granted, be held lawful for all purposes, although the same shall have been granted out of the workhouse of such parish or union, as the case may be, and the costs and charges thereof shall not be disallowed by any auditor, justice, or other competent authority in that behalf, on the ground that the same was granted out of the workhouse: Provided always, that the cost of all such relief so given or to be given shall be charged among the parishes in the same union in like manner and in like proportion as the relief heretofore or hereafter to be given in the workhouse of such parish or union is now or shall hereafter be chargeable (b).

Interpretation of Act.

XIII. The several words used in this Act shall be construed in the manner prescribed by the said hereinbefore recited Act (c), and the Acts explaining and extending it.

(a) See 6 & 7 Will. 4, c. 96, s. 6; and 31 & 32 Vict. c. 122, s. 29.

(b) See 7 & 8 Vict. c. 101, s. 64; and 12 & 13 Vict. c. 103, s. 18.

(c) See 4 & 5 Will. 4, c. 76, s. 109.

SCHEDULE to which this Act refers.

FORMS OF CERTIFICATES.

1.—*Against an Accounting Officer.*

I do hereby certify, that in the account of *A. B.*, the [*set out the name of the office*] of the parish of \_\_\_\_\_ [*or of the union*], I have disallowed [*or surcharged*] the sum of \_\_\_\_\_

As witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 1848.  
*M. N.*, Auditor of the  
 district, which comprises the  
 above-named parish or union.

2.—*Against a person not an Accounting Officer.*

I do hereby certify, that in the accounts of the union [*or of the parish of* \_\_\_\_\_] I have disallowed the sum of £ \_\_\_\_\_ as a payment illegally made out of the funds of such union [*or parish*] and I find that *C. D.*, of \_\_\_\_\_ authorized the making of such illegal payment, and I do hereby surcharge the said *C. D.* with the same.

As witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 1848.  
*M. N.*, Auditor of the  
 district, which comprises the  
 above-named union or parish.

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11 & 12 VICT. CHAP. 110.

AN ACT to alter the Provisions relating to the Charges for the Relief of the Poor in Unions (*d*).

[4th September, 1848.]

“WHEREAS by an Act passed in the fifth year of the reign of King William the Fourth, intituled ‘An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,’ provision is made for the formation of unions for the relief of the poor and for the charge for the relief of the poor belonging to the several parishes comprised therein (*e*); and it is expedient to alter the mode in which the relief of certain poor persons is now chargeable:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that after the thirtieth day of September

(*d*) See 30 & 31 Vict. c. 106, s. 30. (*e*) See 4 & 5 Will. 4, c. 76, ss. 26, 28.

Costs for relief of wandering poor, &c. to be charged to the common fund of unions.

next until the thirtieth day of September in the year one thousand eight hundred and forty-nine (*a*), the cost of the relief to be given to any poor person chargeable or becoming chargeable in any union formed or to be formed under the provisions of the said Act, being a destitute wayfarer or wanderer or foundling (*b*), as well as the cost of the burial of the body of any such person dying within such union (*c*), shall be chargeable to the common fund of such union (*d*).

Poor persons having a fixed place of abode meeting with accidents, &c. in some other parish where they have no legal settlement to be relieved by the parishes of their abode or previous chargeability.

II. Where any poor person having a fixed place of abode in a parish in any such union shall hereafter, by reason of accident, bodily casualty, or sudden illness occurring to him while in some other parish, in which he has no legal settlement, require relief, the cost of all the relief given by lawful authority in that behalf, as well medical as otherwise, shall, if the poor person be at the time in receipt of relief, be paid or reimbursed in like manner and by the same union or parish as any other relief shall be then payable, but if he be not then in receipt of relief, it shall be paid or reimbursed, as the case may require, by the parish in which such poor person shall then have his place of abode, unless by reason of any provision of the law he would, if otherwise chargeable, have been chargeable to the common fund of such union, in which case the payment or reimbursement shall be made by the guardians of the union comprising such parish, and shall be charged to the common fund of the union; and it shall be lawful for the guardians of any union, if they think proper, to pay for any medical or other assistance which shall be rendered to any poor person on the happening of any accident, bodily casualty, or sudden illness, although no order shall have been given for the same by them or any of their officers, or by the overseers, and to charge the same to some one parish in the union, or to the common fund of the union, according as such parish or union would have been liable for the ordinary relief of such poor person: Provided that nothing herein contained shall exempt the guardians of the union or parish, or their officers, or the overseers of the parish in which such poor person shall require relief by reason of such accident, bodily casualty, or sudden illness, from their liability to supply the requisite relief to such poor person whilst in such union or parish.

Paupers rendered irremovable by the 9 & 10 Vict. c. 66, rendered chargeable to the common fund of the union.

III. After the thirtieth day of September next (*e*) until the thirtieth day of September in the year one thousand eight hundred and forty-nine, all the costs incurred in the relief, as well medical as otherwise, of any poor person, who, not being settled in the parish where he resides, shall by reason of some provision of the Act passed in the tenth year of the reign of Her Majesty, intituled "An Act to amend the Laws relating to the Removal of the Poor" be or become exempted from the

(*a*) See 24 & 25 Vict. c. 55, s. 8; (*c*) See 7 & 8 Vict. c. 101, s. 31; and also 28 & 29 Vict. c. 79, s. 1. 12 & 13 Vict. c. 103, s. 17; and s. 3.  
 (*b*) See 12 & 13 Vict. c. 103, s. 2; (*d*) See 16 & 17 Vict. c. 97, s. 102.  
 and 24 & 25 Vict. c. 55, s. 4. (*e*) See 10 & 11 Vict. c. 110.

liability to be removed from the parish where he resides, shall, where the said parish shall be comprised in any such union as aforesaid (*f*), be charged to the common fund of such union so long as such person shall continue to be so exempted; and the expenses of the burial of any such person so exempted at the time of his death shall, if legally payable by the guardians of the union, likewise be charged to the said common fund (*g*).

IV. Where in any such union a question shall arise between any parishes therein, or between the guardians and any parish or parishes therein, with reference to the charging of the cost of his relief, as to whether any pauper be so exempted as aforesaid, the parties may jointly submit such question to the commissioners for administering the laws for the relief of the poor in England, who may thereupon, if they think proper, entertain such question, and by an order under their seal determine the same; but no such order shall be liable to be removed by writ of *certiorari* or otherwise (*h*), into the Court of Queen's Bench, after the expiration of the term next ensuing the time when the copy thereof shall have been sent to the guardians, nor shall the same be quashed for any defect of form therein; and every such order not rescinded or quashed shall be in all courts and for all purposes final and conclusive between the guardians and every parish in the union interested in the matter (*i*).

V. The guardians of any union or parish may, with the order of the said commissioners and in conformity with such regulations as they shall make, procure or assist in procuring the emigration of any poor person rendered irremovable by virtue of the provisions of the said last-mentioned Act, and chargeable or who would, if relieved, be chargeable upon the common fund of such union, or in the case of any parish not comprised in a union who may, though not settled therein, be irremovable as aforesaid therefrom, and such guardians shall in the case of a union charge the costs and expenses incurred in

Questions arising as to cost of relief, &c. may be referred to and decided by the poor law board; whose orders shall not be removable after a certain time, nor be quashed for want of form.

Guardians may assist in the emigration of certain poor and charge the cost upon the common fund of the union or parish in case of not being in union.

(*f*) See sect. 1, *ante*.

(*h*) See 4 & 5 Will. 4, c. 76, s. 105;

(*g*) See 7 & 8 Vict. c. 101, s. 31; 5 & 6 Vict. c. 57, s. 8; and 12 & 13 Vict. c. 103, s. 17; 16 & 17 Vict. c. 103, s. 13.

Vict. c. 97, s. 120; and 24 & 25 Vict. c. 55, s. 8. (*i*) See 12 & 13 Vict. c. 45, s. 12; and 14 & 15 Vict. c. 105, s. 12.

#### PAUPER WHOSE SETTLEMENT IS UNKNOWN.

The 11 & 12 Vict. c. 110, s. 3, is inapplicable to the case of a pauper, who is irremovable by his having no known settlement, although he has resided without interruption for five years, so as to be irremovable if settled elsewhere: *Reg. v. Bennett*, 3 E. & B. 341; 23 L. J. (N. S.) M. C. 29. Decisions on sect. 3.

The 3rd section of the 11 & 12 Vict. c. 110, applies to the case of a person originally a wanderer into a parish where he has resided many years, and who is not known to have any settlement. The case of *Reg. v. Bennett*, *supra*, is not of general application whenever the place of settlement is unknown, but is to be considered as dependent on the particular facts of it: *Ex parte Bedminster*, 21 J. P. 806; S. C. *Reg. v. Seagram*, 6 W. R. 74; 4 Jur. (N. S.) 301.

such emigration upon the common fund, and in the case of a parish not in a union upon the monies in their hands for the relief of the poor (a).

Mode of charging the relief herein provided for.

VI. The cost of all the relief which under the provisions of this Act shall be chargeable to the common fund of any union shall be charged to the common fund of such union, in the same manner as union expenses are directed to be charged by the herein first-recited Act (b).

Guardians may cause a valuation to be made at any time of property alleged to be rateable.

VII. The guardians of any union may, on the application of the major part of the overseers of any parish comprised in it, or of any person assessed to the poor rate in any such parish, cause a valuation to be made at any time of any property alleged to be rateable to the relief of the poor, being a part only of the rateable property of such parish, and may charge the expenses of such valuation to the overseers of such parish, or to such person so applying as aforesaid (c).

Guardians may obtain orders of maintenance, and charge expenses in like manner as churchwardens, &c.

VIII. The guardians of any union shall be entitled to obtain orders of maintenance upon the relations liable under any statute now in force (d) to maintain any poor person whose relief would be chargeable to the common fund of the union, in like manner as the churchwardens and overseers of any parish can now obtain the same, and may expend in respect of such person, out of such fund, any money for any purpose which the overseers of the parish to which such person, if chargeable, would have belonged might have done; and all relief to be granted by the guardians to any pauper upon loan, and which shall be chargeable to the common fund of the union, or to any parish therein, may be recoverable in the county court or other court for the recovery of small debts for the district wherein the union or the major part thereof shall be comprised, on the plaint of the said guardians (e) who may apply and be heard in such court by any officer appointed by them for such purpose, in manner prescribed by the statutes enabling them to appoint officers to act for them (f): Provided nevertheless, that the remedy already provided by law (g) for the recovery of the relief granted on loan, shall be in force, and applicable to the relief so chargeable to the common fund as aforesaid.

Relief advanced by way of loan may be recovered in county court, &c.

IX. If any person hereinbefore made chargeable upon the common fund of the union shall be convicted before any justice of any offence committed in any workhouse while maintained therein, or of deserting or running away from any workhouse, and carrying away clothes or other property therefrom, and be

Persons being chargeable upon the common fund of a union, and being con-

(a) See 4 & 5 Will. 4, c. 76, s. 62; 7 & 8 Vict. c. 101, s. 29; 12 & 13 Vict. c. 103, s. 20; 13 & 14 Vict. c. 101, s. 4; 24 & 25 Vict. c. 55, s. 9; and 28 & 29 Vict. c. 79, s. 16.  
(b) See 4 & 5 Will. 4, c. 76, s. 28.  
(c) See 6 & 7 Will. 4, c. 96, s. 3; and 31 & 32 Vict. c. 122, s. 28.  
(d) See 43 Eliz. c. 2, s. 6; 5 Geo. 1, c. 8, s. 1; 59 Geo. 3, c. 12, s. 26; 4 & 5 Will. 4, c. 76, s. 56; and 7 & 8 Vict. c. 101, s. 25.  
(e) See 5 & 6 Will. 4, c. 69, s. 7; and 5 & 6 Vict. c. 57, s. 16.  
(f) See 5 & 6 Vict. c. 57, s. 17; and 7 & 8 Vict. c. 101, s. 69.  
(g) See 4 & 5 Will. 4, c. 76, ss. 58, 59.

liable to be committed to any gaol or house of correction, the justice before whom such person shall be convicted may commit such person to the gaol or house of correction of the county or place containing the parish in which such person, if chargeable to the common fund by reason of being exempt from removal under the statute hereinbefore mentioned, shall have been residing, when admitted into the workhouse, or to that of the county or place comprising the major part of such union, in the case of any other person herein rendered chargeable on the said common fund, notwithstanding such workhouse may not be situated in such county or place, or that such justice may not be a justice of such county or place (*h*), and the charges of the conveyance of such person to such gaol or house of correction, and all other charges consequent upon such committal, shall be borne by such county or place in like manner as the charges of persons committed in the ordinary mode to the gaol thereof shall be borne.

X. Upon application for relief by admission to the workhouse of any such union as aforesaid or otherwise by any poor person professing to be a destitute wanderer or wayfarer, the master, porter, or other officer of such workhouse, or the relieving officer of such union or overseer of any parish to whom such application for relief shall be made, may search such person, or cause him to be searched, and may take from such person any money which shall be found upon him, and shall deliver the same to the guardians, to be by them applied in aid of the common fund of the union; and every person who shall apply for relief at any workhouse, or to any relieving officer or overseer, having at the time of such application in his possession and under his immediate control any money or other property, of which on inquiry made by the guardians or their officers, or by overseers, he shall not make correct and complete disclosure (*i*), shall be taken to be an idle and disorderly person within the meaning of the Act of the fifth year of the reign of His late Majesty King George the Fourth, for the Punishment of idle and disorderly Persons and Rogues and Vagabonds in England (*k*), and shall be punishable and dealt with in all respects and with the like proceedings as idle and disorderly persons under the said Act.

XI. In any court, and before any justice or justices, and for all purposes, a certificate of the chargeability of any person named therein in the form prescribed in the Schedule marked C. to the Act of the eighth year of the reign of Her present Majesty for the Amendment of the Laws for Relief of the Poor in England (*l*), and purporting to have been executed in the manner prescribed by that Act, shall be received within the space of twenty-one days from the date thereof as sufficient

victed of any offence, may be committed by a justice to the common gaol, &c., the expenses of which shall be charged upon the county, &c.

Poor persons may be searched on admission to workhouse.

Persons in possession of means applying for relief, punishable as idle and disorderly persons.

Certificate of chargeability in form prescribed in Schedule to 7 & 8 Vict. c. 101, deemed sufficient evidence.

(*h*) See 7 & 8 Vict. c. 101, s. 57.

(*k*) See 5 Geo. 4, c. 83, ss. 6, 8.

(*i*) See 12 & 13 Vict. c. 103, s. 16;

(*l*) See 7 & 8 Vict. c. 101, s. 69.

and 16 & 17 Vict. c. 97, s. 104.

evidence of the chargeability of the person named therein, unless the contrary be otherwise shown.

Interpretation of Act. XII. The several words used in this Act shall be construed in the manner prescribed by the said first herein-recited Act, and the statutes explaining and extending it.

\* \* \* \* \*

### 11 & 12 VICT. CHAP. 111.

AN ACT to amend an Act of the Tenth Year of Her present Majesty, for amending the Laws relating to the Removal of the Poor. [4th September, 1848.]

9 & 10 Vict.  
c. 66.

“WHEREAS by an Act passed in the tenth year of the reign of Her Majesty, intituled ‘An Act to amend the Laws relating to the Removal of the Poor,’ (a) after reciting that it was expedient that the laws relating to the removal of the poor should be amended, it was enacted, that from and after the passing of that Act no person should be removed nor should any warrant be granted for the removal of any person from any parish in which such person should have resided for five years next before the application for the warrant: Provided always, that the time during which such person should be a prisoner in a prison, or should be serving Her Majesty as a soldier, marine, or sailor, or reside as an in-pensioner in Greenwich or Chelsea hospitals, or should be confined in a lunatic asylum, or house duly licensed or hospital registered for the reception of lunatics, or as a patient in a hospital, or during which any such person should receive relief from any parish, or should be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a *bonâ fide* charitable gift, should for all purposes be excluded in the computation of time thereinbefore mentioned, and that the removal of a pauper lunatic to a lunatic asylum under the provisions of any Act relating to the maintenance and care of pauper lunatics should not be deemed a removal within the meaning of that Act: Provided always, that whenever any person should have a wife or children having no other settlement than his or her own, such wife and children should be removable whenever he or she is removable, and should not be removable when he or she is not removable: And whereas by reason of the generality of the expressions used in the last proviso doubts are entertained as to the meaning thereof, and it is desirable to remove such doubts:” Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the said last proviso be repealed, and that instead thereof the following be

(a) See 9 & 10 Vict. c. 66, s. 1.

enacted: Provided always, that whenever any person should have a wife or children having no other settlement than his or her own, such wife and children should be removable from any parish or place from which he or she would be removable, notwithstanding any provisions of the said recited Act, and should not be removable from any parish or place from which he or she would not be removable by reason of any provision in the said recited Act.

Repealing proviso in 9 & 10 Vict. c. 66, in relation to removal of wives and children, and substituting another in lieu thereof.

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## 12 VICT. CHAP. 8.

AN ACT to remove Doubts as to the Appointment of Overseers in Cities and Boroughs (*b*). [22nd March, 1849.]

“WHEREAS doubts have been entertained as to the proper authority for the appointment of overseers of the poor of the parishes comprised within certain cities and boroughs under the provisions of the Act of the forty-third year of the reign of Queen Elizabeth, intituled ‘An Act for the Relief of the Poor,’ and it is expedient that such doubts should be removed” (*c*): Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled,

43 Eliz. c. 2.

(*b*) See also 12 & 13 Vict. c. 64.

(*c*) See 43 Eliz. c. 2, s. 8.

### STATUS OF WIFE AND CHILDREN.

The 11 & 12 Vict. c. 111, operates to render a wife or children irremovable only where the husband or father has acquired a status of irremovability under 9 & 10 Vict. c. 66: *Reg. v. East Stonehouse*, 3 E. & B. 596; *c. 111, s. 1*. 23 L. J. M. C. 137; 18 J. P. 522; 23 L. T. 77.

*Decisions on 11 & 12 Vict.*

### WIFE LIVING SEPARATE FROM IRREMOVABLE HUSBAND.

A pauper lunatic living by consent apart and in a different parish from her husband, who was irremovable by virtue of 9 & 10 Vict. c. 66, was sent to a lunatic asylum, and an order for her maintenance was made upon the parish of her husband’s settlement under 16 & 17 Vict. c. 97, s. 97: Held, that the order was rightly so made, as the lunatic was not irremovable by 11 & 12 Vict. c. 111, s. 1: *East Retford*, app., *Strand*, resp., 3 B. & S. 122.

### RESIDENCE CONFERRING IRREMOVABILITY.

Where a medical officer of a lunatic asylum had apartments in the asylum with board and lodging, and lived there, but had also apartments in another parish in which his wife and children continuously resided, and he visited them from the Saturday to Monday, it was held that he must be taken to have resided in the parish in which the asylum was situated, and that an order for the removal of his wife and children was properly made on that parish: *Norwood*, app., *St. Pancras*, resp., 36 L. J. M. C. 91; 16 L. T. (N.S.) 484; 2 L. R. Q. B. 457.

Justices of the peace having jurisdiction in certain cities and boroughs to have the exclusive right of appointing overseers.

and by the authority of the same, that in every city, town corporate, or borough, the justices of the peace having jurisdiction therein shall have the exclusive right of appointing the overseers of the poor of the several parishes, townships, or other places separately maintaining their own poor, or of any parts thereof, within the said cities, towns corporate, and boroughs respectively, in like manner and with the same effect as the justices of any county now have in respect of the overseers of the poor of any parish within such county, and they are hereby required from time to time to make such appointments accordingly (a).

Repeal of part of the 43 Eliz. c. 2, s. 10.

II. So much of the said Act as renders the mayor, alderman, and head officer of any city, town, or place corporate liable, upon the default of the nomination of overseers therein, to lose and forfeit for every such default five pounds shall be and the same is hereby repealed.

\* \* \* \* \*

Saving of the city of London and places under local Acts.

IV. Provided nevertheless, that this Act shall not apply to the city of London, nor to any of the parishes comprised therein, nor to the appointment of the overseers of any parish, township, or place where such appointment is regulated by the provisions of any local Act.

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## 12 VICT. CHAP. 13.

AN ACT to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish.

[11th May, 1849.]

“WHEREAS poor persons are sometimes lodged and maintained under contracts or agreements for certain payments in houses and establishments not being the workhouses of any union or parish, nor subject to the effective control of any guardians or overseers or other parochial authorities, and no sufficient powers are vested in any authority to regulate the houses or establishments wherein such persons are lodged and maintained, and it is expedient that such powers should be given:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners for administering the laws for relief of the poor in England, and they are hereby required, from time to time as

The poor law board to issue rules and

\* The practice of intituling the Acts at the top of each page in the Queen’s printers’ copy of the Statutes commenced with the session 12 & 13 Victoria.

(a) See 15 & 16 Vict. c. 38.

they shall see occasion, to make and issue all such rules, orders, regulations for the management and government of any houses where the poor are boarded, or maintained, for hire or remuneration, under any maintained under contract. contract or agreement entered into by the proprietor, manager, or superintendent of such house or establishment, or on his behalf, with any guardians, overseers, or other persons having the ordering or management of the poor in any union or parish, or for the education of any poor children therein, in like manner and to the same extent as the said commissioners are by law empowered to do in the case of any workhouse belonging to any union or parish (b); and all such rules, orders, and regulations shall have the like effect as other rules, orders, and regulations of the said commissioners, and shall be obeyed accordingly, with the like penalties on any neglect or disobedience thereof, to be enforced upon summary conviction, as penalties under the Act of the fifth year of His late Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," may now be enforced (c). c. 76.

II. Provided nevertheless, that nothing herein contained shall extend to any county lunatic asylum or hospital registered or house licensed for the reception of lunatics, nor to any hospital, infirmary, school, or other institution supported by public subscriptions, and maintained for purposes of charity only. Nothing herein to extend to lunatic asylums and hospitals.

III. The said commissioners may direct their rules, orders, and regulations to any person being or acting as the proprietor, manager, or superintendent, or as an officer or assistant, in any such house or establishment as aforesaid, and the same shall come into operation so soon as the said commissioners shall therein declare, and shall be binding upon the person named therein, and, if they shall so direct, upon every person who shall afterwards succeed to him in the same capacity. Rules and regulations to be directed to the manager or officer of the establishment.

IV. The said commissioners shall be empowered, if at any time they shall see just cause, to prohibit, by order under their seal, the reception or retention of any poor person, or any class of poor persons, in any such house or establishment, and thereupon it shall not be lawful for any such proprietor, manager, or superintendent, or other officer or assistant, to receive or retain any poor person therein, contrary to the terms of such order, so long as it shall be in force, nor for any guardians, overseers, or other such persons as aforesaid to send any poor person to such house or establishment, contrary to such order, provided that no such guardians, overseers, or other such persons as aforesaid, nor any officer of any union or parish, shall incur any legal responsibility in respect of the neglect of such order, until a copy thereof shall have been sent to the guardians of the union or parish, or to the overseers of the parish, or other such persons. Poor law board may prohibit the reception or retention of poor in any such house.

(b) See 4 & 5 Will. 4, c. 76, ss. 15, 42.

(c) See 4 & 5 Will. 4, c. 76, s. 98; and 12 & 13 Vict. c. 103, s. 10.

as aforesaid, in the manner in which orders of the said commissioners are now sent to guardians or overseers (*a*).

Poor law board  
may remove  
any officer of  
such house.

V. The said commissioners may, by order under their seal, remove from his office or service any officer, servant, or assistant in any such house or establishment whom they shall deem unfit or incompetent to discharge the duties of his situation, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, or regulations issued by the said commissioners under their seal for the regulation of such house or establishment, or of the officers or inmates thereof (*b*); and thereupon such officer, servant, or assistant shall forthwith cease to act in his office, service, or employment, and shall be entitled to claim and recover a rateable proportion of his salary, wages, or other remuneration up to the time of his being so removed, but no more, from the person liable to pay the same, subject to any defence at law which may then be open to the person from whom the same shall be claimed.

Poor law board  
may regulate  
contracts.

VI. The said commissioners may from time to time issue any order which they may deem necessary for regulating the mode in which any contract shall be entered into for the lodging, boarding, or maintenance of any poor person, with the proprietor, manager, or superintendent of such house or establishment as aforesaid, or the terms or the duration of any such contract (*c*); and if after the issuing of any such order, any contract or agreement be entered into with such proprietor, manager, or superintendent, or any person on his behalf, not in accordance with such order, the same shall be voidable, and, if the said commissioners shall so direct, the same shall be void and of no effect; and all payments made under or in pursuance of any contract or agreement not made and entered into in conformity with such order as aforesaid, at any time after the said commissioners shall have declared the same to be void as aforesaid, and shall have given notice of such declaration to the guardians, overseers, or other such persons as aforesaid, shall be disallowed in the passing and auditing of their accounts, or the accounts of any of their officers by whom such payments shall have been made or charged.

Persons may  
be appointed  
to inspect  
houses and  
the poor main-  
tained therein.  
Remuneration  
to such per-  
sons.

VII. The said commissioners may, if they think fit, appoint a person either temporarily or permanently to visit any such house or establishment, and to inspect the same, and the poor persons received and maintained therein, and to make a report to such commissioners upon any visit and inspection; and such person shall be paid by the guardians or overseers (as the case may be) of the several unions or parishes from which poor persons shall have been sent, and shall be at the time of such visitation maintained therein, such remuneration as the said commissioners shall by order under their seal direct.

(*a*) See 4 & 5 Will. 4, c. 76, s. 18.      (*b*) See 4 & 5 Will. 4, c. 76, s. 48.

(*c*) See 4 & 5 Will. 4, c. 76, s. 49.

VIII. It shall be lawful for any justice of the peace acting in and for the jurisdiction in which such house or establishment shall be situated to visit, inspect, and examine the same, at such times as he shall think proper, for the like purpose and with the same power as any justice has now by virtue of the Act hereinbefore mentioned of the fifth year of His late Majesty in respect of the workhouse of any union or parish (*d*); and it shall be lawful for *the general board of health* (*e*), where they shall think proper, by order *under the seal of the said board and the hands of any two or more members thereof* (*e*), to authorize a superintending inspector to visit and inspect from time to time, or at such time or times as such board shall direct, any such house or establishment, and to ascertain the state and condition of the same, and of the poor people therein, and to report thereon to the board; and it shall be lawful for such superintending inspector accordingly so to visit and inspect, and to ascertain such state and condition, and to examine any officer, servant, assistant, or inmate of such house or establishment in relation thereto; and the powers and provisions of the Public Health Act, 1848, in relation to the examination of persons for the purposes of an inquiry under such Act by a superintending inspector (*f*), shall extend and be applicable to the examination of such officers, servants, assistants, and inmates.

Power to justices to visit houses.

Power to general board of health to appoint a superintending inspector to visit houses, and examine officers, &c.

IX. The several words used in this Act shall be construed in the same manner as in the said Act of the fifth year of His late Majesty (*g*), and the statutes explaining and amending it, and all the provisions, enactments, and regulations contained in the said Act and the said subsequent statutes shall be extended to this Act, so far as the same may be applicable and subject to the provisions herein contained.

Interpretation of Act.

X. This Act shall extend only to England and Wales.

\* \* \* \* \*

To apply to England and Wales only

## 12 VICT. CHAP. 14.

AN ACT to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates.

[11th May, 1849.]

“ WHEREAS provision is already made by law for the recovery of the sum or sums at which any person is rated or assessed to the relief the poor (*h*), or is rated or assessed in any rate for the highways in England or Wales (*i*), by distress and sale of his goods and chattels, and in default of such distress by commit-

43 Eliz. c. 2.  
5 & 6 Will. IV.  
c. 50.

(*d*) See 4 & 5 Will. 4, c. 76, s. 43. (*h*) See 43 Eliz. c. 2, s. 2; 17

(*e*) See 21 & 22 Vict. c. 98, s. 5. Geo. 2, c. 38, s. 7; and 54 Geo. 3,

(*f*) See 11 & 12 Vict. c. 63, s. 121. c. 170, s. 12.

(*g*) See 4 & 5 Will. 4, c. 76, s. 109. (*i*) See 5 & 6 Will. 4, c. 50, s. 34.

Where a warrant of distress is granted for a poor rate or highway rate, &c. the costs of obtaining it may also be levied.

Imprisonment in default of distress.  
43 Eliz. c. 2.

So much of 43 Eliz. c. 2, as relates to commitments for non-payment of rates, or for default of distress, repealed.

ment to prison until the same shall be paid ; but no provision is made for levying the costs and expenses incurred by the overseers of the poor or the surveyors of highways in the recovery of the same respectively ;" Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful hereafter for all justices of the peace, if in their discretion they shall so think fit, in any warrant of distress (a) they shall make and issue for the levying of any sum or sums to which any person or persons is or are now or may hereafter be rated or assessed in or by any rate or assessment for the relief of the poor or for the highways in England or Wales, or in or by any other rate or assessment which by law now or hereafter is or shall be directed to be enforced or recovered in the same manner as a poor rate, or in any warrant for the levying of any arrears of the same, to order that a sum such as they may deem reasonable, for the costs and expenses which such overseers or surveyors, or the persons applying for such warrant, shall have incurred in obtaining the same, shall also be levied of the goods and chattels of the person or persons against whom such warrant shall be granted, together with the reasonable charges of the taking, keeping, and selling of the said distress (b).

II. " And whereas by an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled ' An Act for the Relief of the Poor,' it is amongst other things enacted, that in default of distress for a poor rate it shall be lawful for two justices of the peace to commit the party against whom the distress warrant shall have issued to the common gaol of the county, there to remain without bail or mainprize until payment : And whereas it is desirable to limit the time within which a person assessed to a poor rate, or any other of the rates or assessments aforesaid, may be imprisoned for non-payment of the same : " Be it therefore enacted, that so much of the said recited Act as relates to the commitment of any person to the county gaol for non-payment of any poor rate, or for default of distress whereon to levy the same, shall be and the same is hereby repealed (c) ; and every person now undergoing any such imprisonment under or by virtue of the said recited Act shall be discharged from such imprisonment so soon as he or she shall have been imprisoned three calendar months, or shall

(a) 11 & 12 Vict. c 44, s. 4.

(b) See 31 & 32 Vict. c. 122, ss. 39, 40.

(c) See 43 Eliz. c. 2, s. 2.

#### COSTS OF DISTRESS WARRANT.

*Decision on*  
*sect. 1.*

The person applying for a distress warrant is the person to whom the costs of the application are to be paid : *Walsh v. Southwell*, 6 Exch. 150 ; 20 L. J. M. C. 165.

sooner pay the sum or sums with which he or she is charged; and that hereafter, when to any warrant of distress for the levying of any sum or sums to which any person or persons is or are now or may hereafter be rated or assessed in or by any rate or assessment hereinbefore mentioned it shall be returned by the constable or person having the execution of such warrant that he could find no goods or chattels, or no sufficient goods or chattels, whereon to levy such sum or sums, together with the costs of or occasioned by the levying of the same, it shall be lawful for any two or more justices of the peace before whom the same shall be returned, or for any two or more justices of the peace for the same county, riding, division, liberty, city, borough, or place, if in their discretion they shall so think fit (*d*), to issue their warrant of commitment against the person with relation to whom such return shall be so made as aforesaid, in the form (D.) in the Schedule to this Act annexed, or in any form to the like effect, and thereby order such person to be imprisoned in the common gaol or house of correction for any time not exceeding three calendar months, unless the sum or sums therein mentioned shall be sooner paid; and every such warrant of commitment made or issued for default of distress as aforesaid shall be made as well for the non-payment of the costs and expenses so as aforesaid incurred in obtaining such warrant of distress, if the same shall be so ordered as aforesaid (*e*), and the costs attending the said distress, and also the costs and charges of taking and conveying the party to prison (the amount of such several costs, expenses, and charges, being stated in such warrant of commitment), as for the non-payment of the sum or sums alleged to be due for the said rates respectively.

Power to order imprisonment not exceeding three months in default of distress.

III. For the saving of expense in the levying of any sum or sums for rate and costs as aforesaid it shall be lawful to make and issue one warrant of distress against any number of persons neglecting or refusing to pay the same, in the form in the Schedule to this Act annexed; but nothing herein shall be deemed or construed to authorize justices in like manner to grant or issue one warrant of commitment against several persons in default of distress as aforesaid.

One warrant may be issued against several rate-payers; but otherwise as to a commitment in default of distress.

IV. The warrants aforesaid may be directed to the churchwardens and overseers of the poor, or the overseers of the poor, or the surveyors of the highways respectively, and to the constable of the parish or township, and to any other person or persons, or to any one or more of them, as by the justices granting the same shall be deemed fit.

To whom warrants of distress or commitment to be directed.

(*d*) See 54 Geo. 3, c. 170, s. 11; and 5 & 6 Will. 4, c. 50, s. 52.

(*e*) See sect. 1.

#### LOCAL ACT.

Notwithstanding the provisions of a local Act, the court were all of opinion that there was nothing in that Act to prevent the justices acting under 12 Vict. c. 14, s. 2: *Reg. v. New Sarum JJ.*, 17 J. P. 53.

*Decision on sect. 2.*

Summons and  
how served;

if not obeyed,  
the justices  
may proceed  
*ex parte*.

On payment  
or tender of  
rate and costs  
proceedings to  
cease.

V. Every summons to be issued against any person for non-payment of any sum for which he or she is or shall be so rated or assessed as aforesaid shall be directed to such person, and may be in the form (B.) in the Schedule to this Act annexed, or in any form to the like effect; and the same may be served by any churchwarden or overseer of the poor, or surveyor of the highways, respectively, or constable or other person to whom it shall be delivered for that purpose, upon the person to whom it is so directed, by delivering the same to the party personally or by leaving the same with some person for him or her at his or her last place of abode; and the person who shall serve the same in manner aforesaid shall attend at the time and place and before the justices in the said summons mentioned, to depose if necessary to the service of the said summons; and if, upon the day and at the place appointed in and by the said summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such summons, then and in every such case, if it be proved upon oath or affirmation to the justices then present that such summons was duly served as aforesaid a reasonable time before the time so appointed for his or her appearance as aforesaid (a), it shall be lawful for such justices of the peace in their discretion, if they shall so think fit, to proceed *ex parte*, in the same manner to all intents and purposes as if such party had personally appeared before them in obedience to the said summons.

VI. In all cases where any proceedings have been or shall hereafter be taken to compel payment of any sum for which any such person is or shall be so rated or assessed as aforesaid, if at any time before such person shall be committed to and lodged in prison for non-payment thereof, or for or by reason of its being returned to such warrant of distress as aforesaid that there are no goods or chattels or no sufficient goods or chattels of such person whereon the same may be levied as aforesaid, such person shall pay or tender to the churchwardens or overseers of the poor, or any of them, or to the surveyor of highways respectively, or other person authorized to collect or receive such rate, the sum so sought to be recovered, together with the amount of all costs and expenses up to that time incurred in the proceedings so taken to compel payment thereof as aforesaid, then and in every such case the person to whom such sum and costs shall be so paid or tendered, shall receive the same, and thereupon no further proceedings for the recovery of the same shall be had or taken.

\* \* \* \* \*

(a) See 31 & 32 Vict. c. 122, ss. 39, 40.

#### AWARD OF COSTS.

*Decision on  
sect. 6.*

The justices have power, under 12 Vict. c. 14, s. 6, to award costs to the persons applying for the warrant; and the overseers have a right to appoint deputies for the execution of warrants of distress. If the amount of the rate be tendered, the costs must also be tendered: *Walsh v. Southwell*, 20 L. J. M. C. 165; 15 J. P. 452.

VIII. "And whereas it may be convenient, and save expense and litigation, if forms to be used for the purpose of levying the sums aforesaid should be given : " Be it enacted, that the forms in the Schedule to this Act contained, or forms to the same or the like effect, shall be deemed good, valid, and sufficient in law.

Forms in Schedule valid.

\* \* \* \* \*

### SCHEDULE.

(A. 1.)

*Complaint of the Overseers or Surveyors against one Rate-payer.*

to wit. } Be it remembered, that on the                      day of  
              } in the year of our Lord                      the [churchwardens  
and overseers of the poor, *or* the surveyors of the highways] of  
the parish of                      in the county of                      aforesaid, by *C. D.*,  
one of the said [overseers *or* surveyors], complain to the under-  
signed, [*one*] of Her Majesty's justices of the peace in and for  
the said [county], that *A. B.* of the said [parish], being a person  
duly rated and assessed to [the relief of the poor, *or* the main-  
tenance of the highways] of the said parish, in and by a rate\*  
made on the                      day of                      in the year                      in the sum  
of                      hath not paid the same or any part thereof, but hath  
refused so to do; wherefore the said [churchwardens and over-  
seers *or* surveyors], by *C. D.* aforesaid, pray that the said *A. B.*  
may be summoned to appear before two of Her Majesty's justices  
of the peace, to show cause why he hath not paid and refuses to  
pay the said sum.

*C. D.*

Made and exhibited before me  
at in the county of on  
this day of 1849. }  
E. F.

(A. 2.)

*Complaint against several Rate-payers.*

to wit. } Be it remembered, that on the                      day of  
              } in the year of our Lord                      the [churchwardens  
and overseers of the poor, *or* the surveyors of the highways] of  
the parish of                      in the [county] of                      aforesaid, by *C. D.*,  
one of the said [overseers *or* surveyors], complain to the under-  
signed, [*one*] of Her Majesty's justices of the peace in and for  
the said [county], that the several persons whose names are

\* Or, in and by several rates made on                      and on                      in the several  
sums of                      and of                      .

mentioned and set out in the Schedule hereunder written, being persons duly rated and assessed to [the relief of the poor, *or* the maintenance of the highways] of the said parish, in and by the rates in the said Schedule mentioned, in certain sums set down opposite to their respective names in the said Schedule, have not respectively paid the said sums, or any part thereof, but have respectively refused so to do : wherefore the said [churchwardens and overseers, *or* surveyors], by *C. D.* afore-said, pray that said several persons may respectively be summoned to appear before two of her Majesty's justices of the peace, to show cause respectively why they have not paid and refuse to pay the said sums respectively.

SCHEDULE.

Names of the Rate-payers.	Residence.	Under rate dated the 1849.	Arrears due under rate dated the 1848.	Total sum due.
		£ s. d.	£ s. d.	£ s. d.
A. B. - -	(here state it)	1 7 0	1 7 0	2 14 0
I. K. - -	- - -	0 13 0	- - -	0 13 0
L. M. - -	- - -	- - -	0 18 6	0 18 6
N. P. - -	- - -	0 14 3	0 14 3	1 8 6

*C. D.*

Made and exhibited before me  
at in the county of on  
this day of 1849.  
E. F.

(B.)

*Summons upon the Complaint.*

To *A. B.* of

WHEREAS complaint hath this day been made before the under-signed, [*one*] of Her Majesty's justices of the peace in and for the [*county*] of by the [churchwardens and overseers of the poor, *or* surveyors of the highways] of the parish of in the said [*county*], that you, being a person duly rated and assessed to [the relief of the poor, *or* the maintenance of the highways] of the said parish, in and by a rate made on the day of 1849, in the sum of , hath not paid the same or any part thereof, but hath refused so to do : These are therefore to command you, in Her Majesty's name, to be and appear on at o'clock in the forenoon, at

before such two or more justices of the peace for the said [county] as may then be there, to show cause why you have not paid and refuse to pay the same, otherwise you shall be proceeded against by default as if you had appeared, and be dealt with according to law.

Given under my hand and seal, this            day of            in the year of our Lord            at            in the [county] aforesaid.

*E. F.*

Take notice, that you have already incurred the undermentioned costs, viz. :—

	<i>s. d.</i>
Clerk to the justices - - - -	
Overseer [or surveyor], for obtaining the summons - - - -	
Constable for serving ditto - - - -	1 0
Ditto, travelling expenses at three-pence per mile - - - -	
Total -	

If the amount of these charges, together with the rate claimed, be paid to the overseer [or surveyor] before the day on which the summons is returnable, all further proceedings will be stopped.

(C. 1.)

*Warrant of Distress against one Rate-payer.*

To the overseers of the poor [or to the surveyors of the highways] of the parish of            in the [county] of            and to the constable of            and to all other peace officers in the said [county].

WHEREAS on            last past a complaint was made before *E. F.*, one of Her Majesty's justices of the peace in and for the [county] of            by the [churchwardens and overseers of the poor, or surveyors of the highways] of the parish of            in the said [county], that *A. B.*, being a person duly rated and assessed to the relief of the poor [or to the maintenance of the highways] of the said parish in and by a rate made on            in the sum of            had not paid the same or any part thereof, but had refused so to do; and now at this day, to wit, on            at            the parties aforesaid appear before us, the undersigned, two of Her Majesty's justices of the peace in and for the said county [or the said churchwardens and overseers, or surveyors, by *C. D.*, one of the said overseers, or surveyors, appear before us, the undersigned, two of Her Majesty's justices of the peace in and for the said county; but the said *A. B.*, although duly called, doth not appear by himself, his counsel or attorney, and it is now satisfactorily proved to us on oath that

the said *A. B.* has been duly served with the summons in this behalf, which required him to be and appear here at this day before such two or more justices of the peace as should now be here, to answer the said complaint and to be further dealt with according to law]; and now having heard the matter of the said complaint, and it being now duly proved to us upon oath [in the presence and hearing of the said *A. B.*], that an assessment for the [relief of the poor, *or* the maintenance of the highways] of the said parish of                      and for other purposes chargeable thereon according to law, dated the                      was duly made, allowed, and published, and that the said *A. B.* is therein and thereby assessed at the sum of                      aforesaid,\* and that the said sum hath been duly demanded of the said *A. B.*, but that he hath not paid, and hath refused and still refuses to pay the same; and the said *A. B.* now not showing to us any sufficient cause for not paying the same, these are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *A. B.*; and if within the space of [*five*] days after the making of such distress the said sum, and the sum of                      for the costs incurred by the said [churchwardens and overseers, *or* surveyors] in obtaining this warrant, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale you retain the said sums of                      and                      rendering the overplus, on demand, to the said *A. B.*, the reasonable charges of taking, keeping, and selling the said distress being first deducted: and if no such distress can be found, that then you certify the same unto us, to the end that such further proceedings may be had herein as to the law doth appertain.

Given under our hands and seals, this                      day of                      in the year of our Lord                      at                      in the [*county*] aforesaid.

*E. F.*

*G. H.*

(C. 2.)

*Warrant of Distress against several Rate-payers.*

To the overseers of the poor *or* the surveyors of the highways of the parish of                      in the [*county*] of                      and to the constables of                      and to all other peace officers in the said [*county*].

WHEREAS on                      last past a complaint was made before *E. F.* one Her Majesty's justices of the peace in and for the [*county*] of                      by the [churchwardens and overseers of the poor, *or* the surveyors of the highways] of the parish of                      in the said [*county*], that the several persons whose names are mentioned and set forth in the Schedule hereunder written,

\* "And that a certain other assessment for the relief," &c. *to the asterisk, if there be arrears.*

being persons duly rated and assessed to [the relief of the poor, or maintenance of the highways] of the said parish, in and by the rates in the Schedule in that complaint and in this warrant underwritten, in certain sums set down opposite to their respective names in the said Schedule, had not respectively paid the said sums or any part thereof, but had respectively refused so to do; and now at this day, to wit, on                    at                    the said [churchwardens and overseers, or surveyors] by *C. D.*, one of the said overseers, or surveyors, and *A. B.*, *I. K.*, and *L. M.*, some of the said parties in the said Schedule mentioned, appear before us, the undersigned, two of Her Majesty's justices of the peace, in and for the said [county]: but the said *N. P.*, although duly called, doth not appear by himself, his counsel or attorney, and it is now satisfactorily proved to us on oath that the said *N. P.* has been duly served with the summons in this behalf, which required him to be and appear here at this day before such two or more justices of the peace as should now be here to answer the said complaint, and to be further dealt with according to law; and now having heard the matter of the said complaint against the said several parties, and it being now duly proved to us upon oath, in the presence of the parties so appearing as aforesaid, that an assessment for [the relief of the poor] of the said parish of                    and for other purposes chargeable therein according to law, dated the                    was duly made, allowed, and published, and that the said several persons whose names are mentioned and set out in the Schedule hereunder written are therein and thereby assessed at the sums set down opposite to their respective names in the said Schedule, and that the said several sums have been duly demanded of them respectively, but they have not nor hath any of them paid the said sums or any of them, or any part thereof respectively, but they have refused and still do refuse to pay the same respectively, and have not, nor hath any of them, showed to us sufficient cause for not paying the same; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the several persons whose names are mentioned and set out in the Schedule hereunder written; and if within the space of five days after the making of such distresses respectively the said several sums set opposite to their respective names at which they were so rated and assessed as aforesaid, and the said several sums for costs incurred by the said [churchwardens and overseers, or surveyors] also set opposite to their respective names, together with the reasonable charges of taking and keeping the said distress in each case, shall not be paid, that then you do sell the goods and chattels of the party so making default so by you distrained, and out of the money arising by such sales respectively you retain the sums so set opposite to the name of each party whose goods you shall have so sold, rendering to him the overplus, the reasonable charges of taking, keeping, and selling the said distress being first deducted; and

if in any of the cases mentioned in the Schedule hereunder written no such distress can be found, that then you certify the same unto us, to the end that such further proceedings may be had herein as to the law doth appertain.

SCHEDULE.

Names of Rate-payers	Residence.	Under rate	Arrears due			Costs.			Total.
		dated 1849.	dated	under rate	dated 1848.				
		£ s. d.	£	s. d.	£	s. d.	£	s. d.	£ s. d.
A. B. - -	(here state it.)	1 7 0	1	7 0	0	6 0	3	0 0	
I. K. . .	- - -	0 13 0	-	- -	0	2 0	0	15 0	
L. M. - -	- - -	- - -	0	18 6	0	3 0	1	1 6	
N. P - -	- - -	0 14 3	0	14 3	0	5 0	1	13 6	

Given under our hands and seals, this            day of            in  
the year of our Lord            at            in the [county] aforesaid.  
E. F.  
G. H.

(D.)

*Warrant of Commitment in Default of Distress.*

To the overseers of the poor [or the surveyors of the high-  
ways] of the parish of            in the [county] of  
and to the constable of            and to all other peace  
officers in the said [county], and to the keeper of the  
[house of correction] at            in the said [county].

WHEREAS on            last past a complaint was made before  
E. F., esquire, one of Her Majesty's justices of the peace in  
and for the said [county] of            by the [churchwardens and  
overseers of the poor, or surveyors of the highways] of the  
parish of            in the said [county], that A. B., being a  
person duly rated to the [relief of the poor, or maintenance of  
the highways] of the said parish, in and by a rate made on  
                                         in the sum of            had not paid the same or any part  
thereof, but had refused so to do; and afterwards on            at  
                                         the parties aforesaid appeared before E. F. and G. H.,  
esquires, two of Her Majesty's justices of the peace in and for  
the said county [or the said churchwardens and overseers, or  
surveyors, by C. D., one of the said overseers, or surveyors,  
appeared before E. F. and G. H., esquires, two of Her Majesty's  
justices of the peace in and for the said county; but the said  
A. B., although duly called, did not appear by himself, his  
counsel or attorney, and it was then satisfactorily proved to the

said justices that the said *A. B.* had been duly served with the summons in that behalf, which required him to be and appear there at that day before such two or more justices of the peace as should then be there, to answer the said complaint, and to be further dealt with according to law] : and then having heard the matter of the said complaint, and it being then duly proved to the said justices upon oath [in the presence and hearing of the said *A. B.*] that an assessment for the [relief of the poor, or the maintenance of the highways] of the said parish of

dated the                      was duly made, allowed, and published, and that the said *A. B.* was therein and thereby assessed at the sum of                      aforesaid, and that the said sum had been duly demanded of the said *A. B.*, but that he had not paid, and had refused and still refused to pay the same, and the said *A. B.* then not showing to the said *E. F.* and *G. H.* any sufficient cause for not paying the same, the said justices thereupon then issued a warrant to                      commanding them to levy the said sum of                      and the sum of                      for the costs incurred in obtaining that warrant by distress and sale of the goods and chattels of the said *A. B.* : And whereas it now appears to me, the undersigned, one of Her Majesty's justices of the peace in and for the said [county], as well by the return of the said

to the said warrant of distress as otherwise, that the said                      hath made diligent search for the goods and chattels of the said *A. B.*, but that no sufficient distress whereon to levy the said sums above-mentioned could be found : These are therefore to command you the said [churchwardens and overseers, or surveyors] and constable and peace officers, or some or one of you, to take the said *A. B.*, and him safely to convey to the [house of correction] at                      aforesaid, and there deliver him to the said keeper, together with this precept : And I do hereby command you, the said keeper of the said [house of correction], to receive the said *A. B.* into your custody in the said [house of correction], there to imprison him for the space of                      unless the said sums of                      and                      together with the sum of                      for the costs attending the said distress, and the further sum of                      being the costs and charges of this commitment and of taking and conveying the said *A. B.* to prison, making in the whole the sum of                      shall be sooner paid unto you the said keeper ; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal this                      day of                      in the year of our Lord                      at                      in the [county] aforesaid.

*J. S.* [L.S.]

## 12 &amp; 13 VICT. CHAP. 18.

AN ACT for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs.

[11th May, 1849.]

WHEREAS certain meetings of justices of the peace called petty sessions of the peace are holden in and for certain divisions of the several counties of England and Wales called petty sessional divisions, and important duties have lately been assigned to the justices attending at such petty sessions, and to their clerks, by certain Acts of parliament, and it is desirable to declare and enact that the sittings of justices of the peace, or of a stipendiary magistrate, in and for every city, borough, or town corporate having a separate commission of the peace, or for any part thereof, shall be deemed a petty sessions of the peace within the meaning of such Acts, and that buildings or places at which such petty sessions may be holden shall, where necessary, be provided: Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that every sitting and acting of justices of the peace, or of a stipendiary magistrate, in and for any city, borough, or town corporate having a separate commission of the peace, or any part thereof, within England and Wales, at any police court or other place appointed in that behalf, shall be deemed a petty sessions of the peace, and the district for which the same shall be holden shall be deemed a petty sessional division, within the meaning of any Acts of parliament, already made or hereafter to be made, having relation to such petty sessions, or to any business to be transacted thereat (a).

\* \* \* \* \*

(a) See 6 & 7 Will. 4, c. 96, s. 6.

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JURISDICTION OF JUSTICES.

*Decision on  
sect. 1.*

County justices have jurisdiction to appoint overseers for a parish in a borough under 5 & 6 Will. 4, c. 76, where there is no separate court of quarter sessions, and they may make the appointment at their own petty sessions for the division in which the parish is included: *Pember v. Evans*, 21 J. P. 438.

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## 12 &amp; 13 VICT. CHAP. 45.

AN ACT to amend the Procedure in Courts of General and Quarter Sessions of the Peace in England and Wales, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts. [28th July, 1849.]

WHEREAS in cases of appeal to courts of general or quarter sessions of the peace, it is expedient that the law should be more uniform : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in every case of appeal (except as hereinafter mentioned) to any court of general or quarter sessions of the peace fourteen clear days notice of appeal at least shall be given (*b*), and such shall be sufficient notice, any Act or Acts, or any rule or practice of any court or courts, to the contrary notwithstanding ; and such notice of appeal shall be in writing, signed by the person or persons giving the same, or by his, her, or their attorney on his, her, or their behalf, and the grounds of appeal shall be specified in every such notice : Provided always, that it shall not be lawful for the appellant or appellants, on the trial of any such appeal, to go into or give evidence of any other ground of appeal besides those set forth in such notice.

Uniformity of time for notice of appeal.

Notice of appeal to be in writing, and signed.

Grounds of appeal to be stated.

(*b*) See 6 & 7 Will. 4, c. 96, s. 6.

## TIME FOR APPEALING.

An order for the removal of a pauper from P. to L. was served on the 9th of September. On the 21st of September, the clerk to the trustees of the poor of L. wrote a letter to the parish officers of P., stating the intention of the trustees to appeal. On the 29th of September, a copy of the depositions was applied for, and was received the next day. On the 7th of October, notice of appeal for the next sessions was received by the parish officers of P. The next sessions were holden on the 16th of October, and the appellants not appearing and not entering the appeal, the respondents applied for costs, but the sessions, under the circumstances, declined granting costs. On the 20th of October, the pauper was removed to L. On the 23rd of December, the appellants served notice and grounds of appeal for the next (the Epiphany) Sessions. The court refused to hear the appeal : Held, upon an application for a *mandamus*, that, under the circumstances, the sessions in October were the next practicable sessions, and that the Epiphany Sessions were right in refusing to hear the appeal : *Reg. v. Peterborough JJ.*, 26 L. J. Q. B. 233 ; 3 Jur. (N. S.) 887 ; 22 J. P. 20.

*Decisions on sect. 1.*

## ORDER OF REMOVAL.

An order of removal was served on the 13th of September. Notice of appeal was given on the 2nd of October. The next sessions were held on the 18th of October, and at those sessions the appeal was entered and respited, and came on for hearing at the following sessions, on the 4th of

Act not to  
affect appeals  
against orders  
of removal,  
orders of  
bastardy, &c.

\* II. None of the provisions hereinbefore contained relating to notices of appeal shall be construed to affect or alter the law as to notice of appeal against a summary conviction, or against an order of removal, or against an order under any statute relating to pauper lunatics, or against an order in bastardy, or against any proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post-office, but the law with regard to notices of all such appeals shall be deemed and taken to be the same as if the provisions hereinbefore contained had not been enacted.

III. "And whereas a statement of the grounds of appeal, when required by this or any other statute, is for the purpose of enabling the party receiving it to inquire into the subject of such statement, and, if need be, to prepare for trial:" Be it therefore enacted, that upon the hearing of any appeal to any court of general or quarter sessions of the peace no objection on account of any defect in the form of setting forth any ground of appeal shall be allowed, and no objection to the reception of legal evidence offered in support of any ground of appeal shall

Defects in  
statement of  
grounds of  
appeal.

#### ORDERS OF REMOVAL—continued.

Decisions on  
sect. 1.

January, when the order was quashed. The court would not interfere, as the justices had jurisdiction to adjourn the appeal to the January sessions, and as they had so adjourned it; but held, that in each case the justices should exercise their judgment whether justice required that the appeal should be adjourned, and that if there be time to try at the first sessions, and no reason for the delay be assigned, they ought to refuse to enter and respite: *Reg. v. Skircoat*, 28 L. J. M. C. 224.

Copies of the deposition on which an order of removal was made having been duly applied for and received by the parish affected on the 19th of September, that parish, on the 1st of October, sent notice of appeal to the removing parish. The first day of the next quarter sessions was the 16th of October. The appellants had not delivered any grounds of appeal; and it was held, that the appellants were entitled to have the appeal entered and respited at those sessions, and were not bound to have delivered grounds of appeal, and to have been prepared to try at the October sessions: *Reg. v. Sussex JJ.*, 3 L. T. 386; 6 Jur. (N. S.) 1150; 30 L. J. M. C. 73; 8 Jur. (N. S.) 885; 22 J. P. 403.

Where a rate was published on the 30th May, and notice of objection given by the appellant to the assessment committee on the 11th June, and the committee sat and heard the objection on the 30th, which was the same day as the quarter sessions, it was held that the appellant could not have appealed at those sessions, as he had at the time failed to obtain relief, and therefore that it was not too late to enter his appeal at the following October sessions: *Reg. v. Biggleswade*, 33 J. P. 791; 21 L. T. (N. S.) 494.

#### ADJOURNMENT OF SESSIONS.

At the hearing of an appeal against an order made by justices adjudicating the settlement of a pauper lunatic and ordering payment for his maintenance, the court have power to adjourn the hearing to the next sessions, and this after the hearing and trial of the appeal has been partly proceeded with. But the power of so adjourning ought to be cautiously and carefully exercised: *Reg. v. Cambridge*, 30 L. J. M. C. 137; 1 E. B. & E. 61.

prevail, unless the court shall be of opinion that such ground of appeal is so imperfectly or incorrectly set forth as to be insufficient to enable the party receiving the same to inquire into the subject of such statement, and to prepare for trial: Provided always, that in all cases where the court shall be of opinion that any objection to any ground of appeal, or to the reception of evidence in support thereof, ought to prevail, it shall be lawful for such court, if it shall so think fit, to cause any such ground of appeal to be forthwith amended by some officer of the court, or otherwise, on such terms as to payment of costs to the other party, or postponing the trial to another day in the same sessions or to the next subsequent sessions, or both payment of costs and postponement, as to such court shall appear just and reasonable.

Amendment  
of grounds of  
appeal.

IV. If in any notice of appeal the appellant or appellants shall have included any ground or grounds of appeal which shall in the opinion of the court determining the appeal be frivolous or vexatious, such appellant or appellants shall be liable, if the court shall so think fit, to pay the whole or any part of the costs incurred by the respondent or respondents in disputing any such ground or grounds of appeal, such costs to be recoverable in the manner hereinafter directed as to the other costs incurred by reason of such appeal.

Frivolous  
grounds of  
appeal.

V. Upon any appeal to any court of general or quarter sessions of the peace the court before whom the same shall be brought may, if it think fit, order and direct the party or parties against whom the same shall be decided to pay to the other party or parties such costs and charges as may to such court appear just and reasonable, such costs to be recoverable in the manner provided for the recovery of costs upon an appeal against an order or conviction by an Act passed in the twelfth year of Her Majesty's reign, intituled "An Act to facilitate the performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders" (a).

Sessions to  
have a general  
power to give  
costs in all  
cases of appeal.

11 & 12 Vict.  
c. 43.

(a) See 8 & 9 Will. 3, c. 30, s. 3.

#### COSTS.

Where upon an appeal the sessions quash the conviction, they may, under 12 & 13 Vict. c. 45, s. 5, make an order upon the informant for payment of the appellant's costs, although such informant is only nominally a party to the appeal: *Whittington v. Sheffield*, 24 J. P. 407.

Decisions on  
sect. 5.

The statute authorizes the court of quarter sessions, on an appeal against a conviction under the Vagrant Act, 5 Geo. 4, c. 83, to find that the original complainant was the real respondent in the appeal, and to direct him to pay the costs, although by the Vagrant Act notice of appeal is required to be given to the justices alone, and their names were entered as the formal respondents on the appeal: *Reg. v. Smith*, 29 L. J. M. C. 216.

A notice of appeal against an order of removal made by justices acting in and for a borough was given, as to the next quarter sessions for the county. The day before the borough sessions were held, the appellants gave the respondents notice that, having discovered that the appeal ought to have

## COSTS—continued.

*Decisions on  
sect. 5.*

been to the borough sessions, they abandoned the appeal to the county sessions; on which the respondents obtained an order at the borough sessions for their costs on the abandonment of the appeal; and it was held that the borough sessions had jurisdiction to make the order: *Reg. v. Leeds*, 30 L. J. M. C. 86; 7 Jur. (N. S.) 210.

Sect. 5 of 12 & 13 Vict. c. 45, includes appeals in which the appellant has entered into recognizances to pay costs. A court of quarter sessions has authority to make a standing order that in all appeals costs shall follow the event, unless the justices who hear the appeal shall order to the contrary. Justices at quarter sessions may direct their officer to tax the costs of an appeal, and may adopt his taxation as their own act, and insert the amount in their order, provided all this be done before the end of the sessions. But if the party against whom costs are given consent that the taxation shall take place after the sessions are over, and the justices give judgment for costs *nunc pro tunc*, the party so consenting is precluded from afterwards objecting to their want of jurisdiction: *Freeman v. Read*, 30 L. J. M. C. 123; 7 Jur. (N. S.) 546.

Where a person objects to an order of quarter sessions on the ground that the amount of costs inserted in the order was ascertained by taxation after the sessions had expired, he should protest against the taxation before the taxing officer; otherwise, if he attends and proceeds with the taxation without protesting, he waives the objection: *Ex parte Watkins*, 5 L. T. (N. S.) 605.

The taxation of costs, can only be ordered as ancillary to the giving of final judgment; and as there was in the particular case nothing of a judicial nature to be done by the court of quarter sessions in the matter of the appeal, the order having been removed from that court and entirely quashed, that court had no longer any power to tax the costs: *Reg. v. Hampshire JJ.*, 32 L. J. M. C. 46.

An order of quarter sessions directing the appellant to pay a sum for costs to the clerk of the peace to be by him paid over to the parties entitled to such costs, is a valid order under the 5th section of 12 & 13 Vict. c. 45.

Replevin lies in the case of goods taken under a warrant of distress issued by a justice to enforce payment of costs ordered on an appeal against a poor rate, under 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27. The 24 Geo. 2, c. 44, s. 6, as to previous demand of the warrant, and 2 & 3 Vict. c. 93, s. 8, and 1 & 2 Will. 4, c. 41, s. 19, as to notice of action, do not apply to such action: *Gay v. Matthews*, 9 Jur. (N. S.) 716; 8 L. T. (N. S.) 674; 4 B. & S. 425; 32 L. J. M. C. 58; 33 L. J. M. C. 14; in Exch. Ch., affirming judgment of court below.

The court will not in the first instance grant a rule for a *mandamus* calling upon a public body to make a rate for payment of costs due to a successful appellant against a rate which has been quashed at quarter sessions. The proper course is to bring the sessions order for costs into the Queen's Bench, where its validity may be determined. If it be found to be valid, and is nevertheless disobeyed, a motion for a *mandamus* may then be made: *Ex parte Austin*, 13 L. T. (N. S.) 443; 29 J. P. 760.

An appeal against an order of removal was brought before sessions, and the hearing being adjourned from time to time till ultimately the appellant declined to proceed, and gave notice to abandon the appeal, the justices then, acting upon a rule of their sessions, refused to order the respondent his costs, and it was held that a *mandamus* would lie to compel them: *Reg. v. Merionethshire JJ.*, 19 L. T. (N. S.) 397.

An order for costs, which does not follow the directions in 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27, as to payment in the first instance to the clerk of the peace, is bad: *Reg. v. Peek*, 20 L. T. (N. S.) 393.

An appeal against an order of removal, having been entered at the quarter sessions and adjourned from time to time, was ultimately aban-

VI. And for the more effectual prevention of frivolous appeals, Frivolous be it enacted, that any court of general or quarter sessions of the peace, upon proof of notice of any appeal to the same court having been given to the party or parties entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if it so think fit, at the same sessions for which such notice was given, order to the party or parties receiving the same such costs and charges as by the said court shall be thought reasonable and just to be paid by the party or parties giving such notice, such costs to be recoverable in the manner last aforesaid (a).

VII. "And whereas in many cases, where justices of the peace are by law empowered to make orders to or give judgments, great expense and frequent failures of justice have been occasioned by reason that such orders or judgments have, on appeal to the general or quarter sessions of the peace, or on removal by *certiorari* into the Court of Queen's Bench, been quashed or set aside upon exceptions or objections to the form of the order or judgment, irrespective of the truth and merits of the matters in question:" For remedy thereof be it enacted, that if upon the trial of any appeal to any court of general or quarter sessions of the peace, against any order or judgment made or given by any justice or justices of the peace, or if upon the return to any writ of *certiorari* any objection shall be made on account of any omission or mistake in the drawing up of such order or judgment, and it shall be shown to the satisfaction of the court that sufficient grounds were in proof before the justice or justices making such order or giving such judgment to have authorized the drawing up thereof free from the said omission or mistake, it shall be lawful for the court, upon such terms as to payment of costs as it shall think fit, to amend such order or judgment, and to adjudicate thereupon as if no such omission or mistake had existed: Provided always, that no objection on account of any omission or mistake in any

Amendment of orders or judgments of justices on appeal or return to *certiorari*.

Rule for *certiorari* to state objections.

(a) See 8 & 9 Will. 3, c. 30, s. 3.

#### Costs—continued.

doned; and upon an application to the sessions by the respondent for costs, the sessions refused upon the ground that they had no power to grant them; but it was held that the justices were wrong, and that having declined jurisdiction, a summons would go to compel them to enter continuance and award such costs as they should think fit: *Reg. v. Montgomeryshire JJ.*, 33 J. P. 6. Decisions on sect. 5.

By the Debtor's Act, 32 & 33 Vict. c. 62, it is, by sect. 4, enacted, that "with the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money except for 'default in payment of any sum recoverable summarily before a justice or justices of the peace':"—Costs of an appeal to quarter sessions are not within this exception: *Ex parte Cole*, 21 L. T. (N. S.) 750; *S. C. Reg. v. Pratt*, L. R. 5 Q. B. 176.

such order or judgment brought up upon a return to a writ of *certiorari* shall be allowed, unless such omission or mistake shall have been specified in the rule for issuing such *certiorari*.

Amendment of  
recognizances.

VIII. "And whereas the statutes giving a right of appeal against orders or summary convictions frequently require a recognizance or recognizances to be entered into as a condition of such appeal, and appellants are liable to be prevented from trying their appeals upon the merits, in consequence of imperfections in the taking of such recognizances ;" Be it enacted, that where any recognizance or recognizances which shall have been entered into within the time by law required before any justice or justices for the purpose of complying with any such condition of appeal shall appear to the court before which such appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for such court, if it shall so think fit, to permit the substitution of a new and sufficient recognizance or new and sufficient recognizances to be entered into before such court in the place of such insufficient, defective, or invalid recognizance or recognizances, and for that purpose to allow such time, and make such examination, and impose such terms as to payment of costs to the respondent or respondents, as to such court shall appear just and reasonable ; and such substituted recognizance or recognizances shall be as valid and effectual to all intents and purposes as if the same had been duly entered into at any earlier time or times as required by any statute or statutes for that purpose.

Decisions of  
sessions, when  
final.

IX. The decisions of the court of general or quarter sessions of the peace upon the hearing of any appeal, as to the sufficiency of the statement of any ground or grounds of appeal, and as to the amending or refusing to amend any order or judgment of a justice or justices appealed against, or the statement of any ground or grounds of appeal, and as to the substitution of any new recognizance or recognizances as aforesaid,

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#### AMENDMENT OF ORDER.

Decisions on  
sect. 7.

An order of affiliation omitted to state that the mother's residence was within the petty sessional division, but the summons, a copy of which was in evidence before the justices, alleged this fact, which was not otherwise proved : Held, that the justices had sufficient grounds before them to have drawn up the order without the omission, and that on *certiorari* to quash the order, the court might amend it under 12 & 13 Vict. c. 45, s. 7 : *Reg. v. Higham*, 26 L. J. M. C. 116 ; 22 J. P. 6.

An order was made for the removal of F., a pauper, from parish B. to parish H. The execution of this order was duly suspended in consequence of the illness of F. After the death of F., an order was made upon the officers of parish H. for payment of the expenses of relieving him. The justices who made this last order described themselves as justices, &c., for the borough of B., in the county of S. The order, having been brought up by *certiorari*, was amended by the court, by adding the words "in and" before the word "for : " *Reg. v. Hellingley*, 23 J. P. 276 ; 5 Jur. (N. S.) 626 ; E. & E. 749 ; 28 L. J. M. C. 167.

shall be final, and shall not be liable to be reviewed in any court, by means of a writ of *certiorari* or *mandamus* or otherwise.

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XI. At any time after notice given of appeal to any court of general or quarter sessions of the peace against any judgment, order, rate, or other matter (except an order in bastardy, or a proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post-office), for which the remedy is by such appeal, it shall be lawful for the parties, by consent, and by order of any judge of of one of the superior courts of common law at Westminster, to state the facts of the case in the form of a special case for the opinion of such superior court, and to agree that a judgment in conformity with the decision of such court, and for such costs as such court shall adjudge, may be entered on motion by either party at the sessions next or next but one after such decision shall have been given; and such judgment shall and may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the court of general or quarter sessions upon an appeal duly entered and continued.

Power to state a special case without going to the sessions previously.

#### PRACTICE.

The court have no jurisdiction to review the judgment of the quarter sessions except on a case sent up; and therefore, where the sessions having heard the witnesses on one side had refused to hear those on the other in an appeal, on the ground that their testimony had been prefaced by observations on the part of the advocate contrary to the usual practice, the court refused a *mandamus* to re-hear the appeal: *Rex v. Carnarvon JJ.*, 4 B. & Ald. 86. *Decisions on sect. 11.*

Where the sessions have improperly decided against an appeal on a preliminary objection, the court will grant a *mandamus* to enter continuances and hear the appeal; but where an objection has been made during the trial of an appeal to the reception of particular evidence, and the sessions have held such objection valid, the court will not interfere unless the sessions send up a case: *Rex v. Frieston*, 5 B. & Ad. 597.

The court will not issue a *mandamus* to a court of quarter sessions commanding them to grant a case in an appeal against an order of removal, although under special circumstances it may issue a *mandamus* commanding the sessions to state a case: *Ex parte Jarvin*, 9 Dowl. 120.

The Court have refused to hear a case from the sessions setting forth "if the Court of Q. B. shall be of opinion, &c., then the aforesaid order shall stand confirmed; but if the court shall be of contrary opinion, then the appeal to stand respited until the general quarter sessions:" *Reg. v. Wistow*, 10 L. J. M. C. 112; 1 G. & D. 681.

Where an order of justices has been quashed on appeal at sessions, subject to a case, and the court has sent the case back to be restated, the respondents are the proper parties to take steps towards procuring such restatement: *Reg. v. Barnes*, 11 L. J. M. C. 128; 2 G. & D. 233.

The practice, in arguing a case stated for the opinion of the court under stat. 12 & 13 Vict. c. 45, s. 11, is the same as when a case is sent up by the sessions; and the party supporting the order complained of is not entitled to reply: *Wigton v. Snaith*, 16 Q. B. 496.

References to  
arbitration.  
9 & 10 Will. III.  
c. 15.

XII. "And whereas by a statute passed in the tenth year of King William the Third, intituled 'An Act for determining Differences by Arbitration,' provision was made for rendering more effectual the awards of arbitrators in the case of controversies and disputes for which there is no other remedy but by personal action or by suit in equity: And whereas it is expedient in like manner to facilitate and render more effectual references to arbitration of controversies and disputes for which the remedy is by appeal to a court of general or quarter sessions of the peace:" Be it enacted, that at any time after notice given of appeal to any court of general or quarter sessions of the peace against any order, rate, or other matter (except a summary conviction, or an order in bastardy, or any proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post-office), for which the remedy is by such appeal, it shall be lawful for the parties, by themselves or their attornies, and by order of a judge of Her Majesty's Court of Queen's Bench, to submit the matter or matters of such appeal to the award or umpirage of any person or persons, and to agree that such submission should be made a rule of the said Court of Queen's Bench, and to insert such agreement in their submission or the

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PRACTICE—continued.

Decisions on  
sect. 11.

On the hearing of a special case, in an appeal stated to one of the superior courts, under 12 & 13 Vict. c. 45, s. 11, the counsel for the party in support of the rate is entitled to begin upon such hearing; the court refused to hear more than one counsel on either side: *Bedfordshire JJ. v. St. Paul, Bedford*, 7 Exch. 650; 21 L. J. M. C. 225.

The sessions should not send up a case with a view to its being re-heard by them, but should decide both ways provisionally: *Reg. v. Stoke-upon-Trent*, 13 L. J. M. C. 41.

Where a case is granted by the sessions, the party taking it must rely on the objections there stated, or may abandon the case and may rely on such other objections as may be raised on a *certiorari*, but he cannot do both: *Reg. v. St. Anne, Westminster*, 16 L. J. M. C. 33.

Where a case has been sent from the sessions, the court will not upon *certiorari* go into any objections arising on the face of the order itself not raised by the case: *Reg. v. Hartpur*, 16 L. J. M. C. 105.

Where, upon an appeal to the quarter sessions, a case is stated for the opinion of a superior court, under 12 & 13 Vict. c. 45, s. 11, the practice is to give costs as between party and party: *Earl of Clarendon v. St. James, Westminster*, 20 L. J. M. C. 213; 15 J. P. 340.

On a special case stated for the opinion of the court, it is an established practice that the respondent begins: *Hanson v. Epsom*, 2 Jur. (n. s.) 38 (n.)

If the court of quarter sessions, on hearing an appeal, direct costs to be given, and adjourn the court, it is sufficient to have the costs taxed by the clerk of the peace between the day of hearing and the adjournment day, and on the adjournment day to draw up the order, inserting a direction to pay the amount of costs ascertained on the taxation: *Reg. v. Hampshire JJ.*, 33 L. J. M. C. 104.

condition of the bond or promise whereby they oblige themselves respectively to submit to the award or umpirage of such person or persons; and thereupon such and the like proceedings in all respects shall and may be taken with regard to submissions under this Act, and to enforcing awards or umpirages thereupon, and to setting aside the same, as are authorized by the said Act of King William the Third with regard to the cases therein provided for; and every award or umpirage duly made under this Act shall be as binding and effectual to all intents as if the same had been a regular judgment of the said court of general or quarter sessions, and shall and may, on the application of either party, be enrolled among the records of the said court of sessions.

XIII. It shall be lawful for any court of general or quarter sessions of the peace before which any appeal (except against a summary conviction, or an order in bastardy, or any proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post-office), shall be brought, to order, with consent of the parties or their attornies, that the matter or matters of such appeal be referred to arbitration to such person or persons and in such manner and on such terms as the said court shall think reasonable and proper; and such order may be made a rule of the Court of Queen's Bench, on the application of either party; and the award of the arbitrator or arbitrators, or umpirage of the umpire, may, on motion by either party at the sessions next or next but one after such award or umpirage shall have been finally made and published, or after the decision of the Court of Queen's Bench on any motion for setting aside the same, be entered as the judgment of the court of general or quarter sessions in the appeal, and shall be as binding and effectual to all intents as if given by the said court: Provided always, that the Court of Queen's Bench may, if it think fit, on application

References by  
order of court  
of sessions.

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#### ARBITRATION.

Arbitrators have no authority to determine as to the validity of a poor rate, it not being by law a subject-matter capable of a reference: *Thorpe* *Decisions on* *sect. 12.*  
v. *Cole*, 5 L. J. Exch. 25; 1 M. & W. 531; 5 Tyr. 1047.

An agreement of reference in an appeal against a poor rate contained a clause enabling the arbitrators, at the request of either party, to state a case, to be settled by the umpire, for the opinion of the court. The arbitrators having disagreed, the umpire made his umpirage, and subsequently, at the request of the appellants, set out the principles upon which he had acted, with a view of enabling the appellants to have the question discussed in court. Upon a rule calling upon the defendants to show cause why the umpirage should not be sent back to the umpire, in order that he might state the facts more fully, the court refused to interfere, as the appellants had had the opportunity of getting a case stated, and, instead of doing so, had taken their chance of getting the umpirage made in their favour: In re *London Dock Company and Trustees of the Poor of the Parish of Shadwell*, 32 L. J. Q. B. 30.

within the term next after the making and publication of such award or umpirage, either refer the case back again to the same arbitrator, arbitrators, or umpire, or wholly set aside the award or umpirage already made, and may in the latter event order the court of general or quarter sessions to enter continuances and hear the appeal.

Where reference abortive, Queen's Bench may order sessions to hear the appeal.

XIV. If upon any reference to arbitration under this Act it shall be made to appear to the Court of Queen's Bench that, either from the death of the arbitrator or arbitrators or umpire, or from any other cause, it has become impossible that an award or umpirage can be made, it shall be lawful for the said court to order the court of general or quarter sessions of the peace to enter continuances and hear the appeal.

#### REFERENCE TO ARBITRATION.

*Decisions on sect. 13.*

An appeal against an assessment to the poor rate was ordered by the quarter sessions to be respited, to enable the parties to state a case for the opinion of the Queen's Bench, with the view of ascertaining the principle of the assessment, and when so ascertained, "the appeal shall be referred to an arbitrator, who is to certify whether the appellants have been assessed on too high a sum, and to what extent." The order was silent as to costs. The case was accordingly stated, and the court laid down the principle of assessment, and the arbitrator certified that the assessment was not too high. Under these circumstances, it was held that a subsequent court of quarter sessions had no jurisdiction to make any order as to costs, and that the order of reference being silent as to costs, each party was to bear his own costs: *Reg. v. Yorkshire (W.R.) JJ.*, 12 L. T. (N. S.) 380; 34 L. J. M. C. 142; 11 Jur. (N. S.) 810.

A person convicted as a rogue and vagabond under 5 Geo. 4, c. 83, s. 4, appealed to the quarter sessions under sect. 14 of that Act, having given notice of appeal to the convicting justices—no one appearing to support the conviction, it was quashed. It was held that the quarter sessions were authorized to award costs against the person who prosecuted the appellant, but could not award them against the convicting justices: *Reg. v. Purdy*, 5 B. & S. 909.

On an appeal to quarter sessions it was ordered, under s. 13 of 12 & 13 Vict. c. 45, that the "matter in dispute" should be referred. The arbitrator awarded that the appeal be dismissed, and that the appellants do pay to the respondents their costs of the appeal—but it was held, that as the order of reference was silent as to costs, the arbitrator had no power to award them: *West London Extension Railway Company v. Fulham*, 39 L. J. Q. B. 178; L. R. 5 Q. B. 361; 22 L. T. (N. S.) 523; 34 J. P. 423.

On a reference under 12 & 13 Vict. c. 45, s. 13, no mention being made of costs, the appeal having been regularly adjourned from sessions to sessions, on the award being made, the subsequent sessions have no power to award any costs either of the reference or of the appeal—their duty being simply to enter the award as the judgment of the court: *Reg. v. Middlesex JJ.*, L. R. 6 Q. B. 220; 39 L. J. M. C. 109.

The costs of an appeal may rightly be taxed at an adjourned sessions: *Rawnsley, app., Hutchinson, resp.*, L. R. 6 Q. B. 305.

When there is a reference under 12 & 13 Vict. c. 45, s. 13, the sessions have no power afterwards to add to or alter the arbitrator's award; they have only the ministerial duty to perform of entering the award as their judgment: *West London Extension Railway Company v. Fulham Union Assessment Committee*, 24 L. T. (N. S.) 131.

XV. The several provisions relating to arbitrations contained in an Act of the fourth year of King William the Fourth, intituled "An Act for the further Amendment of the Law and the better Advancement of Justice," shall be deemed and taken to be applicable to arbitrations under this Act; and in every such arbitration the arbitrator or arbitrators or umpire shall have the same powers of amendment which the court of general or quarter sessions of the peace would have had on the trial of the appeal.

3 & 4 Will. IV. c. 42, to be applicable to references under this Act. Arbitrators to have power of amendment.

XVI. No recognizance entered into pursuant to any statute or statutes for the prosecution and trial of any appeal shall be deemed to be forfeited by such agreement as aforesaid for the statement of a special case without previously going to the court of general or quarter sessions, or by any submission to arbitration under the provisions of this Act.

Recognizances for prosecution and trial of appeal.

XVIII. In all cases where any order shall be made by any court of general or quarter sessions of the peace it shall be lawful for the Court of Queen's Bench, or for any judge of that court at chambers, either in term or vacation, upon the application of any person entitled to enforce such order, and upon the production of a copy of such order under the hand of the clerk of the peace or his deputy, and upon proof of refusal or neglect to obey such order, to order and direct such order of the court of general or quarter sessions to be removed into the said Court of Queen's Bench, and thereupon such order shall be of the same force and effect, and may be enforced in the same manner, as a rule made by the said Court of Queen's Bench; and all the reasonable costs and charges attendant upon such application and removal shall be recoverable in like manner as if the same were part (a) of such order.

Enforcing orders of sessions.

(a) See 12 & 13 Vict. c. 103, s. 10.

#### COSTS.

If the respondents give notice, under 11 & 12 Vict. c. 31, s. 8, that they abandon their order, the sessions have no power to proceed with the appeal, though it has been respited on terms at a previous sessions: *Killymaenlwydd v. St. Michael's, Pembroke*, 21 L. J. M. C. 79.

*Decisions on sect. 18.*

An order for payment of costs of an appeal against a poor rate is valid though it directs the costs to be paid directly to the appellants, and may be removed and enforced by writ of execution under 12 & 13 Vict. c. 45, s. 18: *Reg. v. Huntley*, 23 L. J. M. C. 106; 3 E. & B. 172.

The appellants were assessed in a poor rate made on 22nd of September, 1858. They gave notice of appeal against the rate to the next Epiphany sessions. At those sessions the appeal was, on the application of the respondents (the overseers), adjourned to the Easter sessions held on the 4th of April, with full costs to the appellants. On the 26th of March, the respondents gave notice that they would not oppose the appeal, and accordingly they did not attend at the Easter sessions, whereupon the rate was ordered to be quashed, with full costs to the appellants, to be paid by the respondents. Upon the 29th of March, 1859, new overseers were appointed;

## 12 &amp; 13 VICT. CHAP. 64.

AN ACT to remove Doubts as to the authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs. [28th July, 1849.]

Justices of the peace in cities and boroughs may act in all matters relating to the relief of the poor under the 43 Eliz. in such cities and boroughs.

Acts of the justices in any city or borough confirmed.

“WHEREAS by the Act of the forty-third year of the reign of Queen Elizabeth, intituled ‘An Act for the Relief of the Poor,’ authority is given to justices of the peace for counties to act in certain matters relating to the poor, and doubts have been entertained whether the same powers extend to justices of the peace having jurisdiction within cities and boroughs (*a*), and it is expedient that such doubts should be removed:” Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that, notwithstanding anything in the said Act contained, all powers and authorities which by the said Act may be exercised out of general or quarter sessions by two or more justices of any county, may be exercised within any city or borough by any two or more justices of the peace having jurisdiction within such city or borough respectively, as fully in all respects as by the justices of the county in or for any parish of such county (*b*).

II. Nothing heretofore done in any city or borough for the purposes of the said Act by any two or more justices having jurisdiction in such city or borough shall be deemed or taken to have been illegally or insufficiently done by reason only that neither of the said last-mentioned justices was mayor, bailiff, or head officer of such city or borough, but everything so done by such two or more justices, if otherwise lawful, shall be deemed to be and to have been valid to all intents and purposes.

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(*a*) See 43 Eliz. c. 2, ss. 1, 2;      (*b*) See 13 & 14 Vict. c. 91; and  
and 12 & 13 Vict. c. 8.                      15 & 16 Vict. c. 38.

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COSTS—*continued*.

*Decisions on*  
*sect. 18.*

and in the month of December an application was made to them for payment of the costs. Upon their refusing to pay them, the order of sessions was, by order of a judge, removed into the Court of Queen’s Bench for the purpose of being enforced, when it was held, upon an application for a rule to set those orders aside, that they were unobjectionable, and that the court could not interfere: *Ex parte Fletton*, 2 L. T. (N. S.) 174; 6 Jur. (N. S.) 822; 29 L. J. M. C. 205; 2 E. & E. 716.

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## 12 &amp; 13 VICT. CHAP. 65.

AN ACT to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates.

[28th July, 1849.]

“ WHEREAS there are several parishes and places in England and Wales parts of which are comprised in boroughs not subject to contribute to the county rate or county or district police rate, while the parts out of the borough are liable to contribute thereto: And whereas there are several parishes parts of which are comprised in boroughs which are subject to district, borough, and other rates, while the parts out of the borough are not liable to contribute thereto:” Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that where any parish or place separately maintaining its own poor shall be divided in manner hereinbefore stated, and any county rate(a), or county or district police rate, or other rate which may by law be raised in like manner as a county rate, shall be assessable upon the part of the parish or place which is comprised within the county and excluded from the borough, the overseers of such parish or place shall, on receipt of any precept or other lawful demand from the justices of the county, or other due authority in that behalf, demanding the payment of any sum of money as the contribution of the part of such parish or place out of the borough towards any such rate as aforesaid, with all convenient speed assess the sum so required upon the persons liable within such part of the parish or place to pay the poor rate therein, by means of a separate rate, to be made, allowed, and published in like manner as the poor rate, and either by themselves or by the collector of poor rates for the time being appointed for the said parish or place shall collect the same separately or with the poor rate payable by the parties assessed thereto, and for the purposes of assessing and collecting the same shall have all such powers, authorities, privileges, protections, and incidents as belong to them in the assessing and collecting of poor rate; and all provisions of the law for enforcing the collection of the poor rate, and recovering the costs of the proceedings therein, shall be applicable to the collection of the rate or rates herein provided for.

II. In every case in which any such parish or place shall be partly within and partly without any borough, the overseers or other persons charged with the collection of the rates made for the relief of the poor in such parish or place, upon the receipt of any warrant from the mayor, or any justice

The overseers of parishes situated partly within boroughs and partly without to collect the county rates, county police rates, and district police rates leviable on the part of the parish not comprised within the borough. ;

Similar provision for the collection of the borough rate in places similarly situated.

or justices of the peace, high constable (a), or other officer duly authorized to act in that behalf within the borough, for the payment of money for the contribution of the part of such parish within such borough towards any district, borough, or other rate (which warrants every such mayor, justice of the peace, high constable, and other officer shall be severally empowered to direct to them in like manner as if the whole of such parish or place were within their borough,) shall assess upon and levy from the inhabitants and occupiers of all messuages, lands, tenements, and hereditaments liable to the poor rates in that part of their parish or place which is within the borough, the amount mentioned in the warrant, either as a separate rate or rates, for which the said overseers shall have all the powers which belong to them for levying a rate for the relief of the poor, or with and as part of the poor rate to which the inhabitants and occupiers of property within that part of the parish or place may be liable in common with the inhabitants and occupiers of property within the other part thereof which is not within the borough, and out of the monies so levied and collected shall pay the amount mentioned in the warrant to the person duly authorized to receive the same, and in default thereof shall be subject to all the provisions and penalties provided by this Act, or any Act concerning the non-payment of any borough rate.

Appeal against  
the rate, and  
audit of the  
accounts.

III. Any person assessed to any rate made under the authority of this Act may appeal against the same in like manner, and with the like consequences in all respects, and subject to the same provisions and regulations as in appeals against the poor rate; and that every overseer and collector shall account for the money levied, collected, and expended under the authority of this Act, to the auditor of the district comprising such parish or place, in like manner as for the poor rate, and if any balance be found to be in his hands shall apply the same towards the next rate required for the purpose of this Act, or shall pay the same to his successor in office; and in default of his so applying the same while in office, or making payment to his successor within seven days after the balance shall have been found, such auditor shall proceed to recover the same from the person holding the same, in like manner as sums certified by him to be due from persons accounting shall from time to time be recoverable, and he shall be paid his costs and expenses, when not recovered from the defendant, by the then overseers of the parish or place, who shall be reimbursed out of the balance of such rate, or, if need be, out of the next rate.

Mode of pro-  
curing the  
funds when  
the precept is  
sent to the

IV. Where a precept shall be issued to the guardians of the union comprising any such parish or place, under the provisions of the Act passed in the eighth year of the reign of Her Majesty, intituled "An Act for facilitating the Collection of County Rates, and for relieving High Constables (a) from Attend-

ance at Quarter Sessions in certain Cases and from certain other guardians of Duties," and such precept shall contain a sum to be assessed the union and charged in respect of any such rate as is herein provided comprising the divided for upon a part of such parish or place as aforesaid, the said place. guardians may require the overseers of such parish or place 7 & 8 Vict. to pay to their treasurer a sum of money sufficient to enable the c. 33. said guardians to pay the sum so assessed with the other sums mentioned in the said precept, to the treasurer of the county or other person lawfully authorized to receive it; and the said overseers shall pay the amount out of any monies in their possession belonging to the parish or place, or to the part of such parish or place respectively, and reimburse themselves, if necessary, by a rate to be levied as hereinbefore described, upon the persons liable thereto, or if they have no such monies shall forthwith proceed to levy and collect the requisite amount by such rate, and pay the same over to the treasurer of the said guardians: Provided nevertheless, that if such overseers make default and do not make the requisite payment within the appointed time, they shall be subject to be proceeded against in like manner as the overseers of a parish wholly situated within the county are subjected to under the provisions of the said Act.

V. Where the amount required in respect of any such county rate (b), police or district police rate, from any part of such amount re- parish or place as aforesaid, shall in the judgment of such quired for the overseers be so small as to render the levying and collecting of the county or a separate rate for it inconvenient, the overseers may postpone other rate is the reimbursement of themselves for any such advance as afore- small, the said, and they or their successors may afterwards, on the making of the recurrence of the next precept or other lawful demand, or of rate for reim- that next but one, levy and collect such a rate as aforesaid bursement the whole amount so previously advanced and unsatisfied may be post- out of the poor rates of the parish, as well as the amount poned. required by the then precept or demand, and shall apply the sum so collected in reimbursement of the previous payments, and the satisfaction of such precept or demand, and shall apply the balance, if any, towards the discharge of the next precept or demand.

VI. From the twenty-ninth day of September one thousand Repeal of eight hundred and forty-nine so much of the Act passed in certain part of the first year of Her Majesty, intituled "An Act to provide 1 Vict. c. 81. for the levying of rates in boroughs and Towns having Municipal Corporations in England and Wales," as applies to the making, levying, and collecting the county rate and borough rate in divided parishes or places, shall, except in respect of rates before that time made, levied, or collected, or of any arrears of rates in course of being collected, be repealed, and all balances which may remain over the sums required by the precepts under which the rate was levied shall be applicable towards the discharge of the next county rate or borough rate assessed upon such divided parish or place, and if not so

(b) See 15 & 16 Vict. c. 81.

applied by the party holding the same shall be recoverable by the person entitled to receive the same, on complaint before two justices of the peace of the county having jurisdiction in that part of the parish or place, who shall make an order for the payment of the sum due, to be enforced in like manner and with the like consequences as orders of justices for the payment of money shall be then by law enforceable.

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12 & 13 VICT. CHAP. 82.

AN ACT to relieve Boroughs, in certain Cases, from Contribution to certain Descriptions of County Expenditure.

[1st August, 1849.]

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Boroughs having or providing a lunatic asylum not to be liable to contribute to county asylum.

II. From and after the passing of this Act no such borough as aforesaid which shall possess or provide, or shall have commenced and shall be *bonâ fide* proceeding with the construction of a sufficient asylum to the satisfaction of one of Her Majesty's principal secretaries of state for the reception or care of the pauper lunatics in such borough, in pursuance of the said Act for amending the laws for the provision and regulation of lunatic asylums for counties and boroughs, and for the maintenance and care of pauper lunatics in England, shall be liable to pay or contribute to the payment of any costs, charges, or expenses incident to the future or subsequent purchase, erection, fitting up, or maintenance of any new lunatic asylum by the county in which such borough is situate, or to the payment of any costs, charges, or expenses which may be incurred after such asylum shall be actually opened for the reception or care of the pauper lunatics in such borough, for maintaining any pauper lunatics chargeable to such county (a).

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12 & 13 VICT. CHAP. 103.

AN ACT to continue an Act of the last session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor (b).

[1st August, 1849.]

11 & 12 Vict. c. 110.

“ WHEREAS by an Act passed in the twelfth year of the reign of Her present Majesty, intituled ‘ An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions,’ provisions were made whereby the costs of the relief

(a) See 25 & 26 Vict. c. 111, s. 45. (b) See 30 & 31 Vict. c. 106, s. 30.

and the expenses of the burial of certain poor persons therein described are made chargeable upon the common fund of the union until the thirtieth day of September in the present year; and it is expedient that such term should be extended, and that various amendments should be made in the laws relating to the relief of the poor;" Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the provisions in the said Act regarding the charge of such costs and expenses upon the common fund, which provisions would, unless continued by parliament, expire on the thirtieth day of September next, shall be continued in full force until the thirtieth day of September one thousand eight hundred and fifty, and to the end of the then next session of parliament (c).

Certain provisions of 11 & 12 Vict. c. 110, continued for a limited time.

II. The term "destitute foundling (d)" contained in the said Act shall extend to any destitute child under the age of twelve years who shall be deserted by both parents or by its surviving parent, and who shall not be in the care or custody of some relative, guardian, or friend, and whose settlement shall not be known.

Who may be deemed a destitute foundling.

III. The chargeability of any person to the common fund of a union shall have the same effect and shall be attended with the same consequences as the chargeability of any poor person to a parish in respect of proceedings to be taken under the Act of the fifth year of the reign of his late Majesty George the Fourth, intituled "An Act for the Prevention of Vagrancy" (e), or under the statutes for the removal from England of poor persons born in Scotland or Ireland, or in the Isle of Man, or Scilly, Jersey, or Guernsey (f), or under the statutes for the removal of lunatic paupers to asylums (g), or under any statute against unlawfully causing or procuring the removal of any poor person (h).

Persons chargeable to common fund brought within the provisions of 5 Geo. IV. &c.

IV. The removal of any lunatic pauper to an asylum, licensed house, or registered hospital, under the authority of the statutes in that behalf, or of any pauper, otherwise than under an order of removal, from his place of abode in any parish of a union to the workhouse of such union, shall not be deemed to be an interruption of the residence of such pauper within the meaning of the statute of the tenth year of the reign of Her Majesty, intituled "An Act to amend the Laws relating to the Removal of the Poor" (i), but the time spent in such lunatic asylum, licensed house, or registered hospital, or workhouse respectively, and the time during which any person shall be relieved at the charge of the common fund of the union, shall

Removal of a lunatic to an asylum or of a pauper to a workhouse of the union not to be deemed an interruption of the residence under 9 & 10 Vict. c. 66, but the time to be excluded from computation.

\* \* \* \* \*

(c) See 13 & 14 Vict. c. 101, s. 1.

(g) See 16 & 17 Vict. c. 97.

(d) See 11 & 12 Vict. c. 110, s. 1.

(h) See 9 & 10 Vict. c. 66, s. 6.

(e) See 5 Geo. 4, c. 83.

(i) See ib. s. 1.

(f) See 8 & 9 Vict. c. 117.

be wholly excluded from the computation of the time of residence which, according to the provisions of such statute, will exempt a poor person from being removed.

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No person to be appointed overseer who is interested in certain contracts.

VI. No person shall be qualified to be appointed to be an overseer of the poor in any parish who at the time of the proposed appointment shall be engaged or directly or indirectly concerned in any contract for the supply of goods, wares, materials, or provisions for the workhouse, or for the relief of the poor in such parish or in the union comprising such parish: Provided always, that no rate or assessment made, nor any other act or thing done, by such person as overseer, nor the service of any notice, demand, order, or process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such disqualification (a).

Recovery of contributions when copy of the order served upon one overseer.

VII. Where the guardians of any union or parish shall make any order for the payment of money upon overseers or other officers of any parish upon whom they are empowered by law to make it, and a copy of such order shall be served upon any one of such overseers or other officers, it shall be lawful for the said guardians to enforce such order against the person so served as fully and as effectually as if a copy thereof had been also served upon every one of such overseers or other officers (b).

On vacancy in the office of auditor, poor law board to appoint a temporary auditor to audit accounts incomplete.

VIII. When any auditor shall die, resign, or be removed, or become incompetent to act, at any time when the audit of the accounts of the parishes or unions within his district shall not be completed, the poor law board may, by order under their seal, appoint temporarily some other person to audit the accounts of the several parishes or unions which may then be ready to be audited; and such temporary auditor shall have the same powers and authorities, and shall be subject to the same obligations and duties, as the ordinary auditor would have possessed or would have been subject to, and shall receive such remuneration as the said commissioners shall direct for the performance of his services herein (c).

Certain limitation in 11 & 12 Vict. c. 43, not to apply to proceedings by auditors.

IX. "And whereas, in the Act of the last session of parliament, intituled, 'An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders,' it is enacted, that in all cases where no time had then been or should thereafter be specially limited for making the complaints or laying the informations therein referred to, every such complaint should be made and every such information laid within six calendar months from the time when the matter of such complaint or information respectively arose (d); and doubts have been entertained whether the provision aforesaid applies

(a) See 31 & 32 Vict. c. 122, s. 44. 11 & 12 Vict. c. 91, s. 10; and 31 & 32

(b) See 2 & 3 Vict. c. 84, s. 1. Vict. c. 122, s. 24.

(c) See 7 & 8 Vict. c. 101. s. 32; (d) See 11 & 12 Vict. c. 43, s. 11.

to proceedings by auditors to recover sums certified by them to be due in the accounts of officers or other persons (*e*), and it is desirable to remove such doubts;" Be it therefore declared and enacted, that nothing in the provision of the said Act herein recited shall be deemed to apply to any such proceeding by any auditor, but that no auditor shall commence any such proceeding after the lapse of nine calendar months from the disallowance or surcharge by such auditor, or, in the event of an application by way of appeal against the same to the Court of Queen's Bench or to the poor law board, after the lapse of nine calendar months from the determination thereupon.

X. In the case of the prosecution of any information, or the proceeding for any penalty or forfeiture, or for enforcing any order under the said statute of the fifth year of the reign of His late Majesty King William the Fourth, or of any subsequent statute incorporated therewith, where judgment shall be given against the defendant, and the justices shall order or direct such defendant to pay the costs, such costs shall, in addition to other costs lawfully chargeable, include all such costs and expenses incurred in respect of such prosecution or the laying of such information, or the preferring of the complaint or the making of the application, and the attendance of the party, or his counsel or attorney, and the summoning and attendance of the witnesses required to prove the case, as the justices shall think fit to allow, and find to have been reasonably and properly incurred (*f*).

In proceedings for penalties and forfeitures under Act 5 Will. IV. or any subsequent statute, full costs to be allowed.

XI. Where any auditor shall lay any information for a penalty in consequence of the default of any officer or other person to attend the audit, or the adjournment thereof, or to produce the proper account or vouchers, or to make or sign the proper declaration before him (*g*), the costs incurred by such auditor, when not recovered from the defendant in such information, shall, if the poor law board consent thereto, be payable to such auditor, and be chargeable in like manner as the costs incurred by an auditor in enforcing the payment of sums certified by him to be due (*h*).

Auditors may recover costs of proceedings to enforce due attendance at the audit.

XII. "And whereas by the said Act of the fifth year of the reign of His late Majesty King William the Fourth provision is made for the sending of copies of the rules, orders, and regulations of the poor law commissioners to certain persons therein described; and it is also therein enacted, that no rule, order, or regulation of the said commissioners, except certain orders therein specially excepted, shall be in force until the expiration of fourteen days after the copies thereof shall have been sent by the said commissioners: And whereas parties to whom such orders have been addressed have often acted in conformity therewith within the period of fourteen days, and it is often

Orders of the poor law commissioners or poor law board may be acted upon, if the parties think fit, within the fourteen days after being sent.

(*e*) See 7 & 8 Vict. c. 101, s. 32.

(*g*) See 7 & 8 Vict. c. 101, s. 33.

(*f*) See 4 & 5 Will. 4, c. 76, s. 99;

(*h*) See *ib.* s. 32.

7 & 8 Vict. c. 101, s. 32; and 12 & 13 Vict. c. 45, s. 18.

convenient that they should do so:" Be it therefore enacted, that nothing in the said Act contained shall be taken to invalidate any act or proceeding heretofore or hereafter to be done or taken in conformity with any order of the said commissioners or of the poor law board by the person or persons to whom the same shall have been or shall be addressed, although the period of fourteen days shall not have elapsed from the sending of the copies of the said order when any such act shall have been done or proceeding taken (a).

Limitation of time upon the issue of a *certiorari* to bring up the orders of the poor law commissioners or poor law board.

XIII. No writ of *certiorari* shall be granted, issued forth, or allowed to remove into the Court of Queen's Bench any order, rule, or regulation of the poor law commissioners, or of the poor law board, heretofore made, unless such *certiorari* be moved or applied for within twelve months next after the passing of this Act; and in respect of any order, rule, or regulation to be hereafter made, within twelve months next after the day when the copy thereof shall be sent in the manner required by the several statutes in that behalf (b).

Guardians of a union or parish may contract to receive in their workhouses certain poor belonging to some other union or parish within certain limits.

XIV. Where the workhouse of any union or parish shall be governed or regulated by rules, orders, or regulations of the poor law commissioners or of the poor law board, the guardians of the union or parish to which such workhouse belongs, in case of the overcrowding of the workhouse of any other union or parish, or the prevalence or reasonable apprehension of any epidemic or contagious disease, or in and towards carrying out any legal resolution for the emigration of poor persons, may, with the consent of the poor law board, receive, lodge, and maintain in the first-mentioned workhouse, upon such terms as shall be mutually agreed upon by the respective boards of guardians, any poor person belonging to such other parish or union; and such poor person so received into such first-mentioned workhouse shall while therein be treated in all respects in like manner, and be subject to the same regulations and liabilities, as the other poor persons therein, and shall be deemed to be chargeable in the first instance to the common fund of the union or to the parish in the workhouse whereof such poor person shall be received: Provided always, that the abiding of any such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if such workhouse had been situated within the union or parish from which such poor person shall have been sent (c).

Mode of describing collectors of poor rates in indictments for larceny and

XV. "And whereas the guardians of certain unions and parishes under the authority of the orders of the poor law commissioners and of the poor law board (d) are empowered to appoint collectors of poor rates and assistant overseers for some one or more of the parishes comprised within their union or for

(a) See 4 & 5 Will. 4, c. 76, s. 23; (c) See 9 Geo. 1, c. 7, s. 4; and 5 & 6 Vict. c. 57, s. 4; 10 & 11 Vict. 14 & 15 Vict. c. 105, s. 6.  
c. 109, s. 18.

(d) See 7 & 8 Vict. c. 101, s. 61; and s. 62.  
4 & 5 Will. 4, c. 76, s. 106.

their parish, as the case may be, who collect and receive the money and other property of the parish or parishes for which they are appointed; and in cases of embezzlement or larceny of such money or property by such collector or assistant overseer difficulty has arisen as to the proper description of his office in the indictment or other proceeding:" Be it therefore enacted, that in respect of any indictment or other criminal proceeding every collector or assistant overseer appointed under the authority of any order of the poor law commissioners or the poor law board shall be deemed and taken to be the servant of the inhabitants of the parish whose money or other property he shall be charged to have embezzled or stolen, and shall be so described; and it shall be sufficient to state any such money or property to belong to the inhabitants of such parish, without the names of any such inhabitants being specified (e).

XVI. Where any pauper shall have in his possession or belonging to him any money or valuable security for money, the guardians of the union or parish within which such pauper is chargeable may take and appropriate so much of such money or the produce of such security, or recover the same as a debt before any local court, as will reimburse the said guardians for the amount expended by them, whether on behalf of the common fund or of any parish, in the relief of such pauper, during the period of twelve months prior to such taking and appropriation, or prior to such proceeding for the recovery thereof (as the case may be); and in the event of the death of any pauper having in his possession or belonging to him any money or property, the guardians of the union or parish wherein such pauper shall die may reimburse themselves the expenses incurred by them in and about the burial of such pauper, and in and about the maintenance of such pauper at any time during the twelve months previous to the decease (f).

(e) See 24 & 25 Vict. c. 96, s. 68. 11 & 12 Vict. c. 110, s. 10; and

(f) See 7 & 8 Vict. c. 101, s. 27; 16 & 17 Vict. c. 97, ss. 94, 104.

#### EMBEZZLEMENT BY ASSISTANT OVERSEER—INDICTMENT.

In an indictment against an assistant overseer appointed under the *Decision on* 59 Geo. 3, c. 12, s. 7, he is properly described as the servant of the inhabitants of the parish: *Reg. v. Carpenter*, 12 Jur. (N. S.) 380; 14 L. T. (N. S.) 572; 35 L. J. M. C. 169; L. R. 1 C. C. R. 29.

#### GRANT OF ADMINISTRATION OF GOODS OF PAUPER TO GUARDIANS.

Administration to the effects of a pauper who had died chargeable to a union, was granted to the guardians of the union as creditors under 12 & 13 Vict. c. 103, s. 16: *Cleaver v. McKenna*, 35 L. J. Prob. & Matr. 91.

As regards the grant of administration to a board of guardians as creditors of a deceased lunatic pauper, per Lord Penzance, I am not satisfied that the guardians are creditors of the estate of the deceased; but if they are, they are not entitled to a grant, until they have cited the next of kin

Expenses of burials recoverable as loans.

XVII. It shall be lawful for the guardians of any union or parish to pay the costs of the burial of any poor person dying out of the limits of such union or parish who was at the time of the death in the receipt of relief from such guardians, and the cost of burying any poor person by or under the direction of any guardians or overseers shall be recoverable in like manner and from the same parties as the cost of any relief (if given to such person when living) would have been recoverable (a).

Guardians and vestry in parishes under local Acts enabled to consent to orders of the poor law board.

XVIII. "And whereas by the said recited Act of the fifth year of the reign of His late Majesty the poor law board are empowered, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in any parish, by writing under their hand and seal, to make certain orders for the building, purchasing, hiring, enlarging, or altering of a workhouse: And whereas, in many parishes, not comprised in any union, the affairs relating to the relief of the poor are managed by a select vestry, or by guardians appointed or elected under the authority of some local Act, and in such parishes it is difficult to obtain the opinion of the ratepayers and owners of property upon any such question:" Be it therefore enacted, that in any parish where there shall be a select vestry lawfully appointed, or a board of guardians appointed under any local Act, the consent in writing of the major part of the select vestry, or of the guardians as the case may be, shall be sufficient to enable the poor law board to issue any order, rule, or regulation in all such cases as are hereinbefore referred to, where the consent of the ratepayers and owners of property would but for this provision have been requisite; Provided that where in any parish there shall be a select vestry and also a board of guardians, the consent in writing of the major part of the vestry or guardians shall be sufficient according as such vestry or guardians respectively shall by law be empowered to carry the directions of the said board into execution (b).

(a) See 7 & 8 Vict. c. 101, s. 31; (b) See also 7 & 8 Vict. c. 101, 11 & 12 Vict. c. 110, s. 3; and s. 64; 11 & 12 Vict. c. 91, s. 12. 16 & 17 Vict. c. 97, s. 120.

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GRANT OF ADMINISTRATION OF GOODS OF PAUPER TO GUARDIANS  
—continued.

Decisions on sect. 16.

of the sister, who was also a lunatic: *Windeatt v. Sharland*, 23 L. T. (N. S.) 877; L. R. 2 Prob. & Div. 217.

A pauper lunatic died intestate in the possession of 440*l.*, leaving a lunatic sister his sole next of kin. The court, on the authority of 12 & 13 Vict. c. 103, s. 16, granted administration to the board of guardians of the union to which the deceased was chargeable, as creditors of the deceased, for the use and benefit of the lunatic sister during her lunacy: *In the Goods of Sharland*, 25 L. T. (N. S.) 574.

XIX. In the case of an equality of votes upon any question at a meeting of the guardians of any union or parish the presiding chairman at such meeting shall have a second or casting vote (c). In case of equality chairman to have casting vote.

XX. The guardians of any union, or of any separate parish for which a board of guardians is or shall be established, may expend, with the order, and subject to the rules and regulations of the poor law board, but not otherwise, any sum of money not exceeding ten pounds for each person, in and about the emigration of poor persons having settlements in such parish or in any parish in such union respectively, without the necessity of the ratepayers and owners of property therein meeting and giving their consent (as required by the said Act of the fifth year of King William the Fourth) (d) to such expenditure, and such guardians shall charge the same to the parish of the settlement, in every case where such poor person resided therein, or was removable thereto at the time of the emigration (e): Provided always, that the guardian or (if more than one) a majority of the guardians of such last-mentioned parish shall express his or their concurrence in writing in the resolution of the board of guardians for such expenditure, and that such written concurrence shall be transmitted by the clerk of the union in communicating that resolution to the poor law board: Provided also that the aggregate amount of the monies expended in the course of any one year in and about the emigration of such

Guardians may expend limited sum for purposes of emigration without a previous vestry meeting.

(c) See 9 Geo. 1, c. 7, s. 1; and 4 & 5 Will. 4, c. 76, s. 27.

(e) See 11 & 12 Vict. c. 110, s. 5; and 13 & 14 Vict. c. 101, s. 4.

(d) See 4 & 5 Will. 4, c. 76, s. 62.

#### GRANT OF ADMINISTRATION OF GOODS OF PAUPER TO GUARDIANS —continued.

The court, in the case of a pauper lunatic wife in an asylum at Melbourne, having a separate estate, directed the accrued and future dividends arising out of her separate estate, to be paid to the colonial master in lunacy, to be applied in discharge of the cost of her maintenance in the asylum: *Re Baker's Trust*, 25 L. T. (N. S.) 783. *Decisions on sect. 16.*

#### MAJORITY OF VOTES OF GUARDIANS.

At an election of clerk to the guardians, 22 guardians attended. On their assembling, the chairman said he should not vote for any candidate, but merely preside at the meeting as chairman. He did so, and took the votes, of which there were 11 for one candidate and 10 for another. The former was declared elected. On motion for *quo warranto*, it was held that the chairman could not be considered as having, for the purpose of the election, withdrawn; and that such election was void, as not having been determined by a majority of the guardians present: *Reg. v. Griffiths*, 17 Q. B. 164; 15 J. P. 450. *Decisions on sect. 19.*

poor persons shall not exceed one half the average yearly poor rate raised in the said parish for the three preceding years (a).

Interpretation  
clause, and  
incorporation  
of the statutes.

XXI. The several words used in this Act shall be construed in the manner prescribed by the said recited Act of the fifth year of the reign of His late Majesty (b) and the statutes explaining and extending it; and the commissioners for administering the laws for relief of the poor in England may be described in all instruments, documents, and proceedings in courts of law or otherwise, and may execute all powers and authorities from time to time vested in them, by the name of the "Poor Law Board," and by such name shall be understood in this Act; and all the provisions of the said last-mentioned Act and of the said statutes not repealed, shall extend to this Act, except where any such provision would be inconsistent with anything herein contained (c).

Extent of Act. XXII. This Act shall extend only to England and Wales.

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### 13 VICT. CHAP. 20.

AN ACT to amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables.  
[10th June, 1850.]

5 & 6 Vict.  
c. 109.

"WHEREAS an Act for the appointment and payment of parish constables was passed in the fifth and sixth years of Her present Majesty, and it is desirable to amend the same:" Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that the provisions in the said recited Act, made in case of vacancy by death or disqualification of any constable during his year of office shall be extended to the discharge of any constable which shall take place under the powers of the said recited Act.

Provision in  
case of dis-  
charge of  
parish con-  
stables.

Fees and  
allowances.

II. "And whereas it is by the said recited Act enacted (d), that certain fees and allowances, to be settled by justices in general or quarter sessions assembled, shall be paid to constables for the service of summonses and execution of warrants:" Be it enacted, that the said fees and allowances so settled by the

(a) See 4 & 5 Will. 4, c. 76, s. 62; 7 & 8 Vict. c. 101, s. 29; 12 & 13 Vict. c. 103, s. 14; 13 & 14 Vict. c. 101, s. 4; and 28 & 29 Vict. c. 79, s. 16.

(b) See 4 & 5 Will. 4, c. 76, s. 109.

(c) See 4 & 5 Will. 4, c. 76, s. 109; 5 & 6 Will. 4, c. 69, s. 9; 5 & 6 Vict. c. 57, s. 18; 7 & 8 Vict. c. 101, s. 74; 13 Vict. c. 21, s. 4; 29 & 30 Vict. c. 113, s. 18; and 30 Vict. c. 6, s. 2.

(d) See 5 & 6 Vict. c. 109, s. 17.

justices in general or quarter sessions, and approved by a secretary of state, as in the said recited Act is required, shall in like manner be paid to the said constables for the execution of any order of a justice made in writing, or for the performance of any occasional duties, the same being sanctioned and allowed by justices in petty session assembled (e).

III. In case of the death or resignation or dismissal for misconduct of any paid constable at any time, it shall be lawful for the justices of the division in petty sessions assembled forthwith to appoint another paid constable, from and out of the list of constables allowed by the said justices at the special sessions last holden for the appointment of constables, at the same rate of salary as has been agreed by the vestry in the manner required by the said recited Act to be given to paid constables (f).

IV. "And whereas it is by the said recited Act enacted, that due notice shall be given to justices to hold special sessions for the appointment of parochial constables (g), but it is not stated by whom such notice shall be given:" Be it enacted, that such notice shall be given by the clerk or clerks to the said justices.

V. "And whereas it is by the said recited Act enacted, that certain persons therein named shall be freed and exempt from serving the office of constable under the said Act:" Be it enacted, that the said exemption shall extend to all postmasters and persons employed in the business of the post office.

\* \* \* \* \*

VII. Nothing herein contained shall be taken to prevent the appointment of special constables, or to apply to the city of London or the metropolitan police district, or to any borough which is within the provisions of an Act passed in the sixth year of the reign of His late Majesty, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," or of any charter granted in pursuance of that Act or of any Act made for the amendment thereof, or to any parish, town or place in which rates are or shall be levied for the payment of constables under the provisions of an Act passed in the fourth year of the reign of His late Majesty, making provision for the lighting and watching of parishes in England and Wales, or of any local Act specially applying to such parish, town, or place; and that nothing hereinbefore contained shall be taken to apply to the county palatine of Chester.

VIII. And for the purposes of exempting the metropolitan police district as hereinbefore provided: Be it enacted, that the justices in general or quarter sessions assembled shall in each year, at the time of making up their accounts for the year, ascertain what proportion any expenses that have been incurred during the preceding year under this or the said recited Act shall bear to the gross amount of the county rate expended within the same period, and also what proportion of the said

Justices to fill up vacancies, in the case of death, resignation, &c. of paid constables.

Notices for holding special sessions for appointment of constables to be given by clerks.

All persons employed by post office exempt from serving as constables.

Act not to apply to the city of London, the metropolitan police district, or any borough or place within the provisions of 5 & 6 Will. IV. c. 76, and 3 & 4 Will. IV. c. 90.

Exempting metropolitan police district from payments under this or the recited Act.

(e) See 11 & 12 Vict. c. 91, s. 6. (f) See 11 & 12 Vict. c. 91, s. 19.

(g) See id. s. 1.

county rate has been levied within the metropolitan police district, and shall repay to each parish within the said metropolitan police district such proportion of the sums so levied as they shall ascertain to be a like proportion of the sums expended under this Act out of the county rate.

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13 VICT. CHAP. 21.

AN ACT for shortening the Language used in Acts of Parliament.  
[10th June, 1850.]

Acts of parliament may be altered, &c. in the same session.

Acts to be divided into sections, without introductory words.

Where any Act is referred to it shall be sufficient to cite the year of the reign, chapter, and section, &c.

Interpretation of certain words for future Acts.

BE it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that every Act to be passed after the commencement of this Act may be altered, amended, or repealed in the same session of parliament, any law or usage to the contrary notwithstanding.

II. All Acts shall be divided into sections, if there be more enactments than one, which sections shall be deemed to be substantive enactments, without any introductory words.

III. In any Act, when any former Act is referred to, it shall be sufficient, if such Act was made before the seventh year of Henry the Seventh, to cite the year of the King's reign in which it was made, and where there are more statutes than one in the same year the statute, and where there are more chapters than one the chapter; and if such Act referred to was made after the fourth year of Henry the Seventh, to cite the year of the reign, and where there are more statutes or sessions than one in the same year the statute or the session (as the case may require), and where there are more chapters or sections than one the chapter or section or chapter and section (as the case may require), without reciting the title of such Act, or the provision of such section, so referred to; and the reference in all cases shall be made according to the copies of statutes printed by the Queen's printer, or to the copies thereof contained in the reports of the commissioners of public records: Provided that where it is only intended to amend or repeal any portion only of such section it shall be necessary still either to recite such portion or to set forth the matter or thing intended to be amended or repealed.

IV. In all Acts words importing the masculine gender shall be deemed and taken to include females (*a*), and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided; and the word "month" to mean calendar month, unless words be added

(*a*) See 33 & 34 Vict. c. 77, s. 5.

showing lunar month to be intended ; and " county " shall be held to mean also county of a town or of a city, unless such extended meaning is expressly excluded by words ; and the word " land " shall include messuages, tenements, and hereditaments, houses and buildings, of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure : and the words " oath," " swear," and affidavit " shall include affirmation, declaration, affirming, and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

V. Where any Act repealing in whole or in part any former Act is itself repealed, such last repeal shall not revive the Act or provisions before repealed, unless words be added reviving such Act or provisions. Repealed Acts not to be revived, &c.

VI. Wherever any Act shall be made repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last made Act. Repealed provisions of any Act to remain in force until the substituted provisions come into force.

VII. Every Act made after the commencement of this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such, unless the contrary be expressly provided and declared by such Act. Acts to be deemed public Acts.

VIII. This Act shall commence and take effect from and immediately after the commencement of the next session of parliament. Commencement of Act.

### 13 & 14 VICT. CHAP. 57.

AN ACT to prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks. [5th August, 1850.]

" WHEREAS the holding of vestry or other parochial meetings in the parish church or chapel, or in the vestry room attached to such church or chapel, is productive of scandal to religion, and other great inconveniences : " For remedy thereof, be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for the commissioners for administering the laws for relief of the poor in England, at any time or times after the passing of this Act, upon application in writing of the churchwardens, or, where there are no churchwardens, of the overseers of any parish in England the population whereof exceeds two thousand persons according to the then last preceding census, such application Poor law commissioners upon application of churchwardens, &c., of any parish where population exceeds 2000, may

make an order to put this Act in force.

being made pursuant to a resolution of the vestry of such parish (*b*), to make an order under their seal of office that this Act or any part thereof shall be applied to and be put in force within such parish; and a copy of such order shall be published in such newspaper or gazette, or both, as the said commissioners may direct, and shall be deposited with the churchwardens or overseers (where there are no churchwardens) of any such parish.

On expiration of 12 months from the publishing of any such order certain meetings prohibited from being held in churches and chapels.

II. From and after the expiration of twelve calendar months from the making and publishing of any such order, no meeting of the inhabitants of the parish for the purpose of holding a vestry, or for any other purpose than that of divine worship, or some ecclesiastical or charitable object, or some other purpose approved by the bishop of the diocese, shall be holden in any parish church or chapel, or other consecrated church or chapel, nor in the chancel thereof, nor, except in case of urgency, and with the previous approval of the said commissioners (*c*) in the vestry room attached to such church or chapel, in any parish or place named in such order; any public or private Act of parliament to the contrary notwithstanding.

Power to provide other places of meeting.

III. Where any vestry or other meeting, by virtue of any statute, law, or custom, has heretofore been holden in the church or chapel of any parish or place named in any such order as aforesaid, or in the vestry room of such church or chapel, any such vestry or other meeting shall from and after the making and publishing of such order be holden in such other room or place within the parish or place as shall be provided for the holding thereof in pursuance of the provisions of this Act, and all acts done in such other room or place as aforesaid shall be as good, valid, and effectual in the law, to all intents and purposes whatsoever, as if such vestry meeting had been held in the vestry room of such church or chapel or in the body of such church or chapel as aforesaid (*d*).

Power to purchase lands, &c. under 8 & 9 Vict. c. 18.

IV. The churchwardens and overseers, or overseers alone, as the case may require, of any parish, with the sanction of the said commissioners and of a majority of the vestry, may by agreement hire any room, or purchase or take upon lease or exchange any lands or buildings, or sell lands belonging to such parish, and invest the proceeds of such sale in the purchase of other lands and buildings, or erect suitable buildings, for the purpose of holding of any vestry and other meeting for the transaction of any business of or relating to the parish; and the Lands Clauses Consolidation Act, 1845, except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs, and with respect to lands acquired by the promoters of the undertaking,

(*b*) See 58 Geo. 3, c. 69, s. 3; and 59 Geo. 3, c. 85, s. 1.

(*c*) See 5 & 6 Will. 4, c. 69, s. 3; and 5 & 6 Vict. c. 18.

(*d*) See 24 & 25 Vict. c. 125, s. 1.

but which shall not be wanted for the purpose thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the purposes of this Act the expressions "the promoters of the undertaking" or "the secretary," whenever used in that Act, shall respectively mean the churchwardens and overseers, or overseers as aforesaid; and the expression "tolls or rates," whenever used in the said first-mentioned Act, shall mean monies to be raised for the relief of the poor mentioned in this Act; and all lands and premises which shall be so purchased or taken on lease by the churchwardens and overseers, or overseers as aforesaid, of any parish shall be conveyed, demised, and assured to such churchwardens and overseers, or overseers alone as aforesaid, and their successors, in trust for the purposes of this Act, and shall be accepted, taken, and held by them as a body corporate (e), and the yearly rent reserved by any lease shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of any such parish, and shall be paid by the churchwardens and overseers, or overseers as aforesaid, of such parish as such rent becomes payable; and if at any time any such rent be not paid within thirty days after it so becomes payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the said churchwardens and overseers, or overseers as aforesaid, with costs of suit, by action of debt in any court of law, or may levy the same by distress of the goods and chattels of any of the said churchwardens and overseers, or overseers as aforesaid.

V. It shall be lawful for the poor law commissioners, by an order under their hands and seal, upon the receipt of a copy under the hands of the said churchwardens, or, where there are no churchwardens, of the overseers of any parish, of a resolution passed at a vestry duly convened and held for the purpose, after public notice of the time and place and purpose of holding such vestry shall have been given in like manner as notices of vestry meetings are published and given (f), consenting to the issue of such order, to direct the churchwardens and overseers, or, where there are no churchwardens, the overseers, and such churchwardens and overseers, as the case may be, are hereby required, if so directed by such order and resolution as aforesaid, to borrow any sum of money which may be required for the purposes of this Act, and to charge the poor rates of the said parish with the repayment of the sum borrowed for such purpose and the interest thereof, so nevertheless that the sum so borrowed shall be repaid by equal annual instalments not exceeding ten.

VI. "And whereas in parishes whereof the population exceeds two thousand persons as aforesaid, various duties are by law imposed upon and required to be performed by the

Poor law commissioners, on receipt of a resolution of the vestry, authorized to require money to be borrowed for the purposes of the Act.

Churchwardens, &c. within one

(e) See 59 Geo. 3, c. 12, s. 17.

(f) See 1 Vict. c. 45, s. 1.

month after publication of order, to convene a meeting for electing a vestry clerk.

Vestry clerk elected at such meeting not removable except by resolution of vestry and consent of poor law board, &c.

Duties of vestry clerk.

officers of parishes, and much business is transacted at vestry meetings, and the parish officers and vestries require the assistance of a vestry clerk in respect of such duties and business; and it is expedient that provision should be made for regulating the appointment and for the payment of such vestry clerks: "Be it therefore enacted, that the churchwardens or other persons to whom it belongs to convene meetings of the vestry in any such parish (*a*) shall, within the space of one calendar month from and after the making and publishing of any order of the commissioners so applied for, if such order extend to the appointment of vestry clerk as aforesaid, and also, in case of any subsequent vacancy in the office of vestry clerk, within one calendar month next after such vacancy, convene a meeting of the vestry of any parish named in such order, for the special purpose of electing a vestry clerk, to perform such of the duties hereinafter mentioned as shall be applicable to such parish, in addition to those which are or may be imposed upon vestry clerks by any Act or Acts of parliament (*b*); and public notice of such vestry, and the place of holding the same, and the special purpose thereof, shall be given, in the usual manner in which notice of the meetings of the vestry is now given, at least seven days before the day to be appointed for holding such vestry; and at such meeting the vestry shall proceed to elect some fit and competent person to be vestry clerk, and the person so elected shall not be removable from office except by a resolution passed at a vestry to be called for that special purpose in the manner hereinbefore mentioned, and with the consent of the said commissioners for administering the laws for the relief of the poor in England, or by an order under the seal of the said commissioners (*c*).

VII. It shall be the duty of such vestry clerk, unless otherwise directed by the poor law commissioners,

To give notice of and attend the meetings of vestry and committees appointed thereat (*d*):

To summon and attend meetings of the churchwardens and overseers, when required, and to enter the minutes thereof respectively:

To keep the account of all charity monies which the churchwardens or overseers are authorized or are accustomed to distribute (*e*):

To keep the vestry books (*f*) and the parish deeds and documents, and the rate books and accounts which are closed, and to give copies of and extracts from the same to any person entitled thereto (*g*), such person paying for the

(*a*) See 58 Geo. 3, c. 69; and 7 Will. 4 & 1 Vict. c. 45. 18 & 19 Vict. c. 120; and 19 & 20 Vict. c. 112, s. 9.

(*b*) But see 18 & 19 Vict. c. 120, and 19 & 20 Vict. c. 112, as to parishes in the metropolis.

(*c*) See 4 & 5 Will. 4, c. 76, s. 49;

(*d*) See 58 Geo. 3, c. 69, s. 1.

(*e*) See 18 & 19 Vict. c. 120, s. 199.

(*f*) See 58 Geo. 3, c. 69, s. 6.

(*g*) See 17 Geo. 2, c. 3, s. 2; and 6 & 7 Will. 4, c. 96, s. 5.

same at the rate of fourpence for every seventy-two words or figures, and to permit any person or persons rated to the relief of the poor of the said parish, at all reasonable times, to inspect the same or any of them, on pain of dismissal for neglecting to give such copies, or permit such inspection.

To make out, when required by the vestry, the church rate, and procure the same to be signed and completed, and to retain the custody thereof, and, where there is no collector of poor rates or assistant overseer, to make out the poor rate, and procure the same to be allowed, and to make all the subsequent entries in the rate books, and to give the notices thereof required by law :

To prepare and issue the necessary process for recovering of arrears of such rates respectively before the justices (*h*), and procure the summons to be served, and to attend the justices thereon, and advise the churchwardens and overseers as to the recovery of such arrears :

To keep and make out the accounts of the churchwardens, and to present such accounts to the vestry or other legal authority, to be passed, and to examine the church rate collectors' accounts and returns of arrears :

To assist the overseers in making out their accounts (when ever required by them), and, subject to the rules and regulations of the commissioners for administering the laws for the relief of the poor, to examine from time to time the accounts of the assistant overseers or collectors of poor rates and their returns of arrears :

To attend the audit of accounts of the overseers, and conduct all correspondence arising therefrom (*i*) :

To assist the churchwardens or overseers in preparing and making out all other parochial assessments, and accounts, and in examining the accounts of the collectors of such assessments.

To ascertain and make out the list of persons liable to serve on juries, and to cause them to be printed and duly published, and returned to the justices (*k*) :

To give the notices for claims to vote for members of parliament (*l*) and to make out lists of voters and get the same printed and published, and duly returned, according to law, and to attend the court for revising them, and to prepare, make out, and publish the burgess lists (*m*) and the lists of constables (*n*) :

To make all returns required of the churchwardens or of the overseers by law or proper authority :

(*h*) See 13 & 14 Vict. c. 14.

(*l*) See 2 & 3 Will. 4, c. 45, s. 38;

(*i*) See 4 & 5 Will. 4, c. 76, s. 47; and 6 & 7 Vict. c. 18, s. 4.

and 7 & 8 Vict. c. 101, ss. 32, 33. (*m*) See 5 & 6 Will. 4, c. 76, s. 15.

(*k*) See 6 Geo. 4, c. 50, ss. 8, 9; (*n*) See 5 & 6 Vict. c. 109, s. 3.

and 7 & 8 Vict. c. 101, s. 60.

To advise the churchwardens and overseers in all the duties of their office; and also to perform such other duties and services, of a like nature as the said commissioners for administering the laws for the relief of the poor in England, from time to time, at the request of the churchwardens or overseers of any such parish, or otherwise shall prescribe and direct to be performed by such vestry clerk.

Salary of vestry clerk to be fixed by poor law commissioners.

VIII. The amount of salary or other remuneration to be paid to the vestry clerk, as well as the days and times on which and the persons by whom the same shall be payable, shall be fixed by the said commissioners, and altered from time to time as there shall be occasion; and such salary or remuneration shall be chargeable upon and paid out of the monies to be raised for the relief of the poor of any such parish; and where the said commissioners shall deem requisite, such vestry clerk shall give such security and to such persons as the said commissioners shall by their order under seal direct: Provided always, that where, under the provisions of any local Act or Acts of parliament, any person or persons shall be paid for the performance of any of the duties of vestry clerk or for assisting in the performance of any of the duties of churchwardens or overseers of the poor, nothing herein contained respecting the duties of the vestry clerk shall apply to or be deemed to apply to the performance of such duties while the same are so performed, or while payment shall be made for the performance of them as aforesaid.

Churchwardens and overseers not to be discharged from performance of duty.

IX. Nothing herein contained shall exempt or discharge, or be construed to exempt or discharge, any churchwarden or overseer of the poor from the performance of any duty required of him by law, nor oblige him to avail himself of the assistance of any vestry clerk to be appointed as aforesaid in the performance of his duties, unless he shall think fit so to do.

Interpretation of terms.

X. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) "parish" shall mean every place having separate overseers of the poor and maintaining its own poor (*a*), and also every parish or place having a separate ecclesiastical jurisdiction, and in which a vestry shall have been heretofore constituted and held for parochial as well as ecclesiastical purposes, either separately or jointly with any other parish; "churchwarden" shall mean also chapelwardens or other persons discharging the duties of churchwardens in any parish or place as last aforesaid; "vestry" shall mean the

(*a*) See 29 & 30 Vict. c. 113, s. 18.

#### SALARY OF VESTRY CLERK.

Decision on sect. 8.

Salary of a vestry clerk is not payable out of poor rates, unless the appointment is made under the authority of an Act of parliament: *Rex v. Croydon*, 5 T. R. 714.

inhabitants of the parish lawfully assembled in vestry, or for any of the purposes for which vestries are holden, except in those parishes in which there is a select vestry elected under an Act passed in the fifty-ninth year of the reign of King George the Third, intituled, “An Act to amend the Laws for the Relief of the Poor,” or elected under an Act passed in the second year of the reign of His late Majesty, intituled “An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes in England and Wales,” or elected under the provisions of any local Act of parliament for the government of any parish by vestries, or under or by virtue of any prescriptive custom or otherwise, in which parishes it shall mean select vestry; “lands” shall mean lands, tenements, and hereditaments, of whatsoever nature or tenure; words importing the masculine gender shall include the feminine; words of the plural number shall include the singular; words of the singular number shall include the plural.

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### 13 & 14 VICT. CHAP. 91.

AN ACT to authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act.

[14th August, 1850.]

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IX. After the passing of this Act the justices of every city or borough shall have the same jurisdiction with respect to all offences committed and matters arising within such city or borough as the justices of the county in which such city or borough is situate now have under or by virtue of any local or general Act of parliament; and such offences and matters shall be cognizable by one or more of the justices of such city or borough in the same manner as such offences and matters are now cognizable by one or more of the justices of such county: Provided always, that in every case in which imprisonment may be awarded for or in respect of any such offences or matters aforesaid, or to enforce payment of any penalty, rate, sum of money, or costs imposed or made payable by or by virtue of any such general or local Act or otherwise, such imprisonment may be awarded to take place in any gaol or house of correction to which the justices of the said city or borough now have or hereafter may have power to commit offenders (*b*).

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(*b*) See 12 & 13 Vict. c. 64.

## 13 &amp; 14 VICT. CHAP. 101.

AN ACT to continue two Acts passed in the Twelfth and Thirteenth Years of the reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor (*a*).  
[14th August, 1850.]

11 & 12 Vict.  
c. 110.

12 & 13 Vict.  
c. 103.

Certain provisions of 11 & 12 Vict. c. 110, and of 12 & 13 Vict. c. 103, continued for a limited time.

Burials of poor persons dying in workhouses. (*Sic.*)

“WHEREAS by an Act passed in the twelfth year of the reign of Her present Majesty, intituled ‘An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions,’ certain provisions were made whereby the costs of the relief and the expenses of the burial of certain poor persons therein described were made chargeable upon the common fund of the union until the thirtieth day of September in the year one thousand eight hundred and forty-nine: And whereas by an Act passed in the last session of parliament such provisions were continued in full force until the thirtieth day of September in the year one thousand eight hundred and fifty, and to the end of the then next session of parliament; and by the said last-mentioned Act other provisions for charging upon the common fund of the union the cost of removing and maintaining certain lunatic paupers were made to continue in force for the like period; and it is expedient that all the several provisions aforesaid should be continued for a limited time:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all the said several temporary provisions in the said recited Acts above referred to shall continue in full force until the thirtieth day of September one thousand eight hundred and fifty-one, and to the end of the then next session of parliament (*b*), and shall apply, and shall be held to have applied, to the incorporated hundred of Forehoe, to the incorporated hundreds of East and West Flegg and of Tunstead and Happening (*c*) in the county of Norfolk, and to the incorporated hundred of Mutford and Lothingland in the county of Suffolk, in like manner and to the same extent as to the unions in the said Acts referred to.

II. It shall be lawful for the guardians of any union to contribute out of the common fund, or for the guardians of any parish to contribute out of the poor rates of such parish, such sum of money as the poor law board shall approve, towards the enlargement of any churchyard or consecrated public burial

- (*a*) See 30 & 31 Vict. c. 106, s. 30. of Tunstead and Happening now form  
(*b*) See 14 & 15 Vict. c. 105, s. 1. the Smallborough union.  
(*c*) The parishes in the hundreds

ground in the parish wherein the workhouse shall be situated, or in any other parish of the union, or towards the obtaining of any such consecrated public burial ground, and where any such burial ground shall be enlarged or obtained with the aid of such contribution, it shall be lawful for them to bury therein the dead body of any poor person dying in such workhouse: Provided always, that nothing in this Act contained shall discharge or vary the obligation now imposed by law upon the guardians to bury the dead body of such poor person elsewhere, in case the deceased person, or the husband, or wife, or next of kin of such deceased person, shall have so requested: Provided also, that in all cases of burial under the direction of the guardians as aforesaid the fee or fees payable by the custom of the place where the burial may be, or under the provisions of any Act of parliament, shall be paid by the said guardians for the burial of each such body to the person or persons who by such custom or under such Act shall be entitled to receive such fee or fees, and charged by them in like manner as the relief to the deceased when living was last chargeable (*d*).

Contribution to enlarge or obtain burial grounds.  
(*Sic.*)

III. In addition to the principal sum or sums of money which the board of management of a school district formed under the authority of the Act of the eighth year of the reign of Her Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England" (*e*), are empowered to raise or borrow for the purpose of providing a building for the school of such district, such board may, whenever any part of such district is situated within the metropolitan police district, with the consent and order of the poor law board, also raise or borrow and charge the future poor rates of the unions and parishes respectively combined in such district with such further or other sum or sums of money as may be or may have been necessary for the purchase of any land, or interest in land, required for the site of such school, or required for the training of the children maintained thereat, or for the site of any addition to such school.

Purchase of site for district schools.

7 & 8 Vict. c. 101.

IV. "And whereas authority is given by the Act of the fifth year of King William the Fourth, intituled 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' for defraying, out of the poor rates of any parish, the expenses of the emigration of poor persons having settlements in such parish, and by the before-mentioned Act of the last session the guardians of any union or separate parish for which a board of guardians is or shall be established may, to a limited extent, exercise the same authority in and about the emigration of poor persons having settlements in such parish, or in any parish of such union respectively: And whereas poor orphans and deserted children having no settlements, or whose settlements are unknown, are frequently

4 & 5 Will. IV. c. 76, s. 62.

12 & 13 Vict. c. 103, s. 20.

Emigration of orphans and deserted children.

(*d*) See 3 Geo. 4, c. 72, s. 1; 15 & 16 Vict. c. 85, ss. 32, 34; and 17 & 18 Vict. c. 87, s. 7.  
(*e*) See 7 & 8 Vict. c. 101, s. 44; and 14 & 15 Vict. c. 105, s. 16.

chargeable to parishes, and it is expedient to furnish means for the purpose of facilitating the emigration of such poor orphans and deserted children so being chargeable:" Be it therefore enacted, that it shall be lawful for the guardians of any union or parish, in like manner and subject to the same regulations, limitations, and restrictions as are contained in the said last-mentioned Act, but with the consent in writing of the guardians or the majority of the guardians of the parish of the chargeability in place of the parish of the settlement, transmitted as therein specified, to expend money in and about the emigration of any poor orphan or deserted child under the age of sixteen years having no settlement, or the place of whose settlement shall not be known, who may be chargeable to some parish in their union or to their parish respectively, and such guardians shall charge the expense so incurred to the same parish to which such orphan or deserted child was chargeable at the time of the emigration; and where any such orphan or deserted child shall be chargeable to the common fund of any union, the guardians of such union shall have the same powers (subject to the same conditions) to procure or assist in procuring the emigration of any such last-mentioned orphan or deserted child as they have with regard to poor persons rendered irremovable by virtue of an Act of the tenth year of Her Majesty, intituled "An Act to Amend the Laws relating to the Removal of the Poor:" Provided always, that no emigration of any such orphan or deserted child, under any of the above-mentioned powers, shall take place until such orphan or deserted child shall have consented thereto before the justices assembled in petty sessions holden in or near to the union or parish the guardians whereof propose to procure such emigration, and a certificate of such consent under the hands of two of the justices present thereat shall have been transmitted to the poor law board (a).

11 & 12 Vict.  
c. 110, s. 5.

9 & 10 Vict.  
c. 66.

An order for paying the whole or part of the cost of maintenance of a lunatic married woman maintained in any lunatic asylum, licensed house or registered hospital, and chargeable to any union or parish may be made upon her husband.

V. Where any married woman being lunatic shall be duly removed to any asylum, licensed house, or registered hospital under any of the statutes in such behalf, any two justices having jurisdiction in the place wherein the husband of such lunatic shall dwell, upon application by or on behalf of the guardians of the union or of the parish having a separate board of guardians, or the overseers of the parish, to which union or parish respectively such lunatic shall be or become chargeable, may summon such husband to appear before them to show cause why an order should not be made upon him to maintain or contribute towards the maintenance of his wife in such asylum, licensed house, or registered hospital; and upon his appearance, or in the event of his not appearing upon proof of due service of such summons upon him, such justices may (if they think fit) make an order upon him to pay such sum, weekly or otherwise, for or towards the cost of the maintenance

(a) See 28 & 29 Vict. c. 79, s. 16.

of such lunatic, as after consideration of all the circumstances of the case shall appear to them to be proper, and determine in such order how and to whom the payments shall from time to time be made, which order shall, if the payments required by it to be made be in arrear, be enforced in the manner prescribed by the statute passed in the twelfth year of the reign of Her Majesty, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace within England and Wales with respect to summary Convictions and Orders," for the enforcing of orders of justices requiring the payment of a sum of money (b).

VI. No master of a workhouse nor any relieving officer shall be henceforth qualified to be appointed to the office of overseer of the poor, constable or any other parochial or township office, so long as he shall continue to be such master of a workhouse or relieving officer, except where the poor law board shall authorize any relieving officer to hold a paid office in a parish: Provided always, that no rate or assessment made, nor any other act or thing done, by any such person as such parochial or township officer, nor the service of any notice, demand, order; or process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such disqualification as aforesaid.

VII. "And whereas by the Act of the seventh year of His late Majesty King William the Fourth, intituled 'An Act to regulate Parochial Assessments,' it is provided, that the justices acting in and for every petty sessions division shall hold special sessions for hearing appeals against the rates of the several parishes within their respective divisions, and shall cause public notice of the time and place of the holding of such special sessions to be given in each parish, but no provision is made for the payment of the costs incurred in preparing and giving of such notice:" Be it therefore enacted, that such fee or remuneration as shall have been or shall hereafter be settled by the justices of the peace at their respective general quarter sessions, according to the statute in that behalf, to be paid to the clerks to justices of the peace for the preparing and giving of a notice of a special sessions for this purpose, or in default thereof of a notice of any special sessions, shall be paid by the overseers of each parish comprised within the division for which the special sessions are to be held, and be charged by them upon the poor rate (c).

VIII. "And whereas by an Act passed in the fifty-fifth year of the reign of King George the Third, intituled 'An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use, to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at

Master of a workhouse and relieving officer not to be appointed to any parochial office.

The fee for giving notices of special sessions under the Act 6 & 7 Will. IV. c. 96, s. 6, to be paid by the overseers out of the poor rate.

Persons committed to prison for offences against 55 Geo. III. c. 137, s. 2, and 7 & 8 Vict.

(b) See 7 & 8 Vict. c. 101, s. 27; and 16 & 17 Vict. c. 97, ss. 94, 104.

(c) See 32 & 33 Vict. c. 47, s. 3.

c. 101. ss. 57, 58, may be kept to hard labour.

a Time, and for other Purposes herein mentioned, relating to the Poor,' and by an Act passed in the eighth year of Her present Majesty, intituled 'An Act for the further Amendment of the Laws relating to the Poor in England,' power is given to punish by imprisonment any person or persons deserting, absconding, or running away from any workhouse or workhouses, and carrying away with him, her, or them any clothes, linen, or other goods in the said Act of the fifty-fifth year of the reign of King George the Third enumerated and described:" Be it enacted, that in the case of every such offence it shall be lawful for the convicting justice or justices, if he or they shall so think fit, to order and adjudge that the person or persons convicted shall, during the period of imprisonment by law authorized, be kept to hard labour.

Assaults upon workhouse officers or relieving officers in the discharge of their duty.

IX. Where any person shall be charged with and convicted of any assault upon any officer of a workhouse or relieving officer in the due execution of his duty, or upon any person acting in aid of such officer, the court may sentence the offender to the same punishment as is provided by law for an assault upon a peace officer or revenue officer in the due execution of his duty, and shall have the same power as in case of such last-mentioned assault to order payment of the costs and expenses of the prosecution (c).

Providing for expense of collecting rates. 12 & 13 Vict. c. 65.

X. "And whereas by an Act passed in the last session of parliament, intituled 'An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the limits of Boroughs which are not liable to such Rates (d),' provision is made to enable the overseers or other persons charged with the collection of the poor rate, in cases where any parish or place shall be partly within and partly without a borough, to assess and levy upon the inhabitants and occupiers of all messuages, lands, and tenements liable to the poor rates in that part of the parish or place which is within the borough the amount of money which they shall be required to raise as a contribution towards a district, borough, or other rate upon a warrant from the mayor, justice, constable, or other officer as therein mentioned (e): And whereas some difficulty has arisen in certain parishes as to the payment of the expenses of collecting the rates upon such assessments, and enforcing of the payment thereof:" Be it therefore enacted, that the overseers of any such parish may employ for the collection of such rate as aforesaid, or of any gaol rate assessed upon any such part thereof, the collector of the poor rates in the said parish, or some other person to be appointed with the like authority and subject to the same regulations as regards his term of office, his remuneration, the security to be given for

(c) See 7 Geo. 4, c. 64, s. 23; 13 & 14 Vict. c. 101, s. 9; 14 & 15 Vict. c. 11, s. 2; and 14 & 15 Vict. c. 105, ss. 5, 18.

(d) Repealed as regards county rates by 15 & 16 Vict. c. 81, s. 1.

(e) See 12 & 13 Vict. c. 65, s. 2.

the discharge of his duties, and his liability to account to the auditor (*f*) and other persons, as such collector of poor rates is or shall be subject to, and to pay such remuneration out of the sum raised by the rate assessed upon such part as aforesaid; and that the collector of poor rates, or other person as aforesaid, shall, for the purpose of collecting the rate so assessed upon such part, have all the powers, privileges, protections, and incidents which belong to the overseers in the collection of the poor rate, and the like remedy for the recovery of the costs of proceedings to enforce the payment of the rate aforesaid, as in the case of a poor rate; and the said overseers, in estimating the amount of their assessment for such rate upon any part of a parish divided as aforesaid, may include such a sum as will provide for the payment of the costs of the assessment and collection, and a reasonable sum in respect of the rates which may be excused or become irrecoverable (*g*).

XI. The several words used in this Act shall be construed in the manner prescribed by the said recited Act of the fifth year of the reign of His late Majesty King William the Fourth (*h*), and the statutes explaining and extending it; and all the provisions of the said last-mentioned Act and of the said statutes not repealed shall extend to this Act, except where any such provision would be inconsistent with anything herein contained.

XII. This Act shall extend only to England and Wales.

\* \* \* \* \*

Construction  
of Act.  
  
Act to extend  
only to  
England and  
Wales.

## 14 VICT. CHAP. 11.

AN ACT for the better Protection of Persons under the Care and Control of others as Apprentices or Servants; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases (*i*).

[20th May, 1851.]

“ WHEREAS it is expedient to make provision for the better protection of persons who are under the care and control of others as apprentices or servants;” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same;

\* \* \* \* \*

(*f*) See 7 & 8 Vict. c. 101, s. 32.

(*g*) See 12 & 13 Vict. c. 65, s. 2; 15 & 16 Vict. c. 81, ss. 32, 33; and 29 & 30 Vict. c. 113, s. 13.

(*h*) See 4 & 5 Will. 4, c. 76, s. 109.

(*i*) As to ss. 1, 2, 6 and 7 of this Act, which are repealed by 24 & 25 Vict. c. 95, see 24 & 25 Vict. c. 100, ss. 26, 73, 74.

A register to be kept of young persons hired or taken as servants from any workhouse.

Not to supersede obligation to keep register as required by 42 Geo. III. c. 46, and 7 & 8 Vict. c. 101.

Young persons hired from workhouses or bound out as pauper apprentices to be visited periodically by officer of guardians or overseers.

As to young persons hired or bound to masters residing at a distance from unions or parishes.

III. The guardians of every union and of every separate parish under the management of a board of guardians, [*and the overseers of every parish not in union or under the management of a board of guardians*](*d*), shall provide and keep a book or books, and shall cause to be registered therein the name of every young person under the age of sixteen who shall hereafter be hired or taken as a servant from the workhouse of such union or parish, together with the several other particulars specified in the Schedule hereunto annexed; and every such entry shall be signed by the presiding chairman of such board of guardians at an ordinary meeting thereof, [*or by some one of such overseers*](*d*): Provided that nothing herein contained shall be taken to supersede or affect the obligation to keep such register of poor children apprenticed by overseers or guardians as is required by the statute of the forty-second year of King George the Third, chapter forty-six, and the statute of the eighth year of Queen Victoria, chapter one hundred and one (*e*).

IV. Where any young person under the age of sixteen shall have been or shall be hired or taken as a servant from the workhouse of any union or parish, or shall have been or shall be bound out as an apprentice by the guardians of any union, or the guardians or overseers of any parish, it shall be lawful for such guardians or overseers respectively, and they are hereby required, so long as such young person shall be under the age of sixteen, and shall be known to them to reside as servant or apprentice in the same service into which such young person shall have so gone as a servant from such workhouse or as such apprentice within such union or parish respectively, or within five miles of any part of such union or parish, to cause the relieving officer, or where there is no relieving officer, then some other officer duly authorized for the purpose to visit such young person at least twice in every year, and to report to them in writing whether he has found reason to believe that such young person is not supplied with necessary food, or is subjected to cruel or illegal treatment in any respect.

V. Where any young person under the age of sixteen shall hereafter be hired or taken as a servant from the workhouse of any union or parish, or shall be bound out as an apprentice by the guardians of any union, or by the guardians or overseers of any parish, and the residence of the master or mistress shall be more than five miles from any part of such union or parish, then a written notice of such hiring, taking, or binding, specifying the name and age of the apprentice or servant, and the name, description, and residence of such master and mistress, shall be forthwith sent from such guardians or overseers to the guardians or overseers of the union or

(*d*) There is now only one parish to which the words in italics within brackets can apply.

(*e*) See 7 & 8 Vict. c. 110, s. 12.

parish in which such master or mistress shall reside; and thereupon it shall become the duty of such last-mentioned guardians or overseers to cause the particulars contained in such notice to be registered in some book or books to be provided by them for the purpose, together with the name of union or parish from which such notice shall have been received; and such last-mentioned guardians or overseers shall cause such young person to be visited as frequently and in the same manner in all respects as if such young person had been hired or taken from their own workhouse, or had been bound out as an apprentice by themselves.

\* \* \* \* \*

VIII. The words "guardians," "union," "overseers," "justice of the peace," "officer," "poor," "parish, and "workhouse," used in this Act, shall be construed in like manner as in the Act of the fifth year of the reign of King William the Fourth, chapter seventy-six. Interpretation of terms.

IX. This Act shall extend only to England and Wales. Extent of Act.

#### SCHEDULE.—FORM OF REGISTER.

Name of Child.	Age.	Date of hiring or taking as servants.	Name of Master or Mistress.	Trade or other description of Master or Mistress.	Residence of Master or Mistress.

#### 14 & 15 VICT. CHAP. 14.

AN ACT to amend the Law for Registration of certain Persons commonly known as "Compound Householders," and to facilitate the Exercise by such Persons of their Right to vote in the Election of Borough Members to serve in Parliament.  
[3rd July, 1851.]

"WHEREAS by an Act passed in the second year of the reign of His late Majesty King William the Fourth, intituled 'An 2 & 3 Will. IV. Act to amend the Representation of the People of England and c. 45. Wales,' it is enacted, that no person shall be registered to vote for members to serve in parliament in any year in respect of the occupation of premises in any city or borough unless such

11 & 12 Vict.  
c. 90.

person shall have been rated in respect of such premises to all rates for the relief of the poor in the parish or township where the same are situated made during the time of such his occupation, nor unless such person shall have paid on or before the twentieth of July in such year all the poor's rates and assessed taxes which shall become payable from him in respect of such premises previously to the sixth day of April then next preceding: And whereas the said Act was amended, in so far as relates to the period when such rates and taxes shall be required to be paid, by an Act passed in the Session held in the eleventh and twelfth years of her present Majesty, intituled 'An Act to regulate the Times of Payment of Rates and Taxes by Parliamentary Electors:' And whereas by the said firstly-recited Act it is further enacted, that it shall be lawful for any person occupying premises in any city or borough which shall return a member or members to serve in any future parliament to claim to be rated to the relief of poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof, and upon such occupier so claiming, and actually paying or tendering the full amount of the rate or rates, if any, then due in respect of such premises, the overseers of the parish or township in which such premises are situated are thereby required to put the name of such occupier upon the rate for the time being, and in case such overseer shall neglect or refuse so to do such occupier shall nevertheless for the purposes of the said Act be deemed to have been rated to the relief of the poor in respect of such premises from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: And whereas it is often inconvenient or impracticable for such persons to make continual claim in respect of each rate, and many persons are consequently deprived of the franchise:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act no person so claiming to be rated, and paying or tendering on or before the twentieth day of July in each year the full amount of the rate or rates (if any) due in respect of such premises on the fifth day of January preceding, shall be required to make any further claim in regard to any future rate upon the premises in respect whereof his right to vote in any such election as aforesaid shall arise, but shall be entitled to be put on the list and to be registered as a voter, provided he shall have occupied the premises in the manner and for the time required by the said firstly-recited Act, and provided the poor's rates and assessed taxes chargeable upon the same shall have been paid for the period and up to the time required by law in respect of all persons entitled to vote in the election of members of parliament for any borough under the provisions of the said firstly-recited Act.

Persons having once claimed to be rated in respect of premises, and paying or tendering, on or before 20th July, the rates due 5th Jan. preceding, not required to renew such claim.

II. Provided always, that every person so claiming as afore-  
said who shall be registered as a voter in respect of the pre-  
mises to which his claim relates shall, in respect of every rate  
for the relief of the poor made and published after such claim  
as aforesaid, while he continues to occupy the same premises  
and to be a registered voter in respect thereof, be liable to the  
same extent and in the same manner as in respect of the rate  
published next before the making of such claim.

The liability  
of the claimant  
to rates to con-  
tinue so long  
as he occupies  
the premises  
and remains on  
the register.

III. Provided always, that in cases where by any compo-  
sition with the landlord a less sum shall be payable than the  
full amount of rate which, except for such composition, would  
be due in respect of the same premises, the occupier claiming  
to be rated shall not be bound to pay or tender more than the  
amount then payable under such composition.

Compositions  
with landlord  
to determine  
amount of  
rate to which  
tenant is  
liable.

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### 14 & 15 VICT. CHAP. 36.

AN ACT to repeal the Duties payable on Dwelling Houses  
according to the number of Windows or Lights and to grant  
in lieu thereof other duties on inhabited houses according to  
their Annual Value. [24th July, 1851.]

\* \* \* \* \*

II. \* \* \* Excepting always out of this enactment any  
provisions for or in relation to compositions for the said duties  
set forth in the said Schedule marked (B.), the exemption in  
Case II. of exemptions contained in the same Schedule (a). \* \*

Except as  
herein pro-  
vided.

\* \* \* \* \*

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### 14 & 15 VICT. CHAP. 39.

AN ACT to exempt Burgesses and Freemen in certain Cases  
from the Operation of an Act for the better assessing and  
collecting the Poor Rates and Highway Rates in respect of  
small Tenements. [24th July, 1851.]

“WHEREAS by section thirty-two of the Act of the session of 2 & 3 Will. IV.  
parliament holden in the second and third years of King c. 45, s. 32.  
William the Fourth, chapter forty-five, it is provided, that  
every person who would have been entitled to vote in the  
election of a member or members to serve in any future parlia-  
ment for any city or borough not included in the Schedule  
marked (A.) to that Act annexed, either as a burgess or free-  
man, or, in the city of London, as a freeman and liveryman, if  
that Act had not been passed, should be entitled to vote in such

(a) See 48 Geo. 3, c. 55, Sch. (B.)

Sect. 33.

13 & 14 Vict.  
c. 99.

Right of  
voting re-  
served by re-  
cited provi-  
sions of 2 & 3  
Will. IV.  
c. 45, to per-  
sons then en-  
titled not to  
be affected by  
the change  
of rating  
under 13 & 14  
Vict. c. 99.

Construction  
of the words  
"tenement,"

election, provided such person should be duly registered according to the provisions thereafter contained; but that no person should be so registered in any year unless he should on the last day of July in that year be qualified in such manner as would entitle him then to vote if such day was the day of election, and that Act had not been passed: And whereas by section thirty-three of the said Act it is provided, that any person then having a right to vote in the election for any city or borough, except as therein mentioned, in virtue of any other qualification than as a burgess or freeman or as a freeman and liveryman, or in the case of a city or town being a county of itself as a freeholder or burgage tenant as thereinbefore mentioned, should retain such right of voting so long as he should be qualified as an elector according to the usage and custom of such city or borough, or any law then in force subject as in the said Act mentioned: And whereas it is expedient to amend the Act of the last session of parliament, chapter ninety-nine, so far as it may affect the rights reserved by the said several sections of the said Act of the second and third years of King William the Fourth:" Be it enacted, therefore, by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:— (a)

I. Where any person to whom a right of voting was retained or reserved by the recited provisions of the said Act of the second and third years of King William the Fourth is or shall be the occupier of any such tenement as in the said Act of the last session of parliament mentioned, and the owner of such tenement has been or shall be rated to the relief of the poor instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such tenement, or such occupier shall have tendered the amount thereof in the manner prescribed by such Act, such occupier shall be entitled, not only to the municipal privileges and franchises reserved to him by such Act, but also to all such right of voting at elections of a member or members to serve in parliament for any city or borough, and all other rights and privileges, as such occupier would have been entitled to under the recited provisions of the said Act of the second and third years of King William the Fourth, and the other provisions of such Act, and any Acts amending the same, relating to the right of voting so retained or reserved, if such occupier had been himself rated in respect of such tenement, and had duly paid or tendered the rate or rates to which he was liable in consequence of such rating.

II. The word "tenement" in the said recited Act of the last session of parliament shall be construed to mean any house, cottage, apartment, or building, and land in the same parish held with the same or any of them, but shall not include any other land or corporeal hereditament.

(a) See 32 & 33 Vict. c. 41, s. 6.

III. The words “rates for the relief of the poor,” in the said recited Act of last session of parliament shall be construed to mean rates for the relief of the poor and for other purposes chargeable thereon according to law; and that the owners of any tenements who shall be liable to be rated in respect of such tenements to any such rate by virtue of the same Act shall also be liable to be rated to any rate or rates authorized to be assessed and levied by the second section of the Act of the session of parliament holden in the twelfth and thirteenth years of Her present Majesty, chapter sixty-five.

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14 & 15 VICT. CHAP. 50.

AN ACT to amend the Public Health Act, and an Act of the Third and Fourth Years of King William the Fourth, in respect of the Assessment of Tithe and Tithe Rent-charges for certain Rates. [1st August, 1851.]

“WHEREAS by an Act passed in the session of parliament of the third and fourth year of His late Majesty King William the Fourth, intituled ‘An Act to repeal an Act of the Eleventh Year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof,’ it is provided, that in levying any rate necessary for the purposes of the said Act the owners and occupiers of houses, buildings, and property (other than land) rateable to the relief of the poor in any parish shall be rated at and pay a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated at and pay for the purposes of said Act: And whereas by an Act passed in the session of parliament of the eleventh and twelfth year of the reign of Her present Majesty, intituled ‘An Act for promoting the Public Health,’ it is, among other things, provided, for the purposes of the said last-mentioned Act, that the occupier of any land used as arable, meadow, or pasture ground only shall be assessed in respect of the same in the proportion of one-fourth part only of the net annual value thereof: And whereas it is just that tithes, tithe rent-charges, and other like payments issuing out of land should be assessed for the purposes of the said Acts in the same proportion of their net annual value as such land itself:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present parliament assembled, and by the authority of the same, that tithes, tithe rent-charges, moduses, compositions real, and other payments in lieu of tithe, shall be assessed

3 & 4 Will. IV. c. 90.  
11 & 12 Vict. c. 63.  
Tithe and tithe rent-

charges, &c.  
to be assessed  
as land.

under the firstly-recited Act as and in the same proportion of their annual value as land (a), and under the secondly-recited Act as and in the same proportion of their annual value as land used as arable, meadow, or pasture ground only (b).

14 & 15 VICT. CHAP. 55.

AN ACT to amend the Law relating to the expenses of Prosecutions, and to make further Provision for the Apprehension and Trial of Offenders, in certain Cases.

[1st August, 1851.]

\* \* \* \* \*

Fees may be  
remitted by  
justices.

XII. Where any clerk is paid by salary by virtue of any order made under this Act, any justices or justice before whom any proceeding is had, whereon a fee is payable which should be accounted for by such clerk under this Act, or before whom any person is summoned for non-payment of any such fee, may remit such fee in whole or in part for poverty or other reasonable cause, in their or his discretion, and in every such case the justices or justice by whom any fee is wholly or in part remitted shall cause an entry to be made, in a book or books to be kept for that purpose by such clerk, of the nature and amount of the several fees so remitted, and of the reason for the remission in such case, which entry shall be signed by the justice or two or more of the justices authorizing such remission, and shall be a sufficient voucher to discharge the clerk therefrom.

\* \* \* \* \*

So much of  
9 Geo. IV.  
c. 43, and 6 & 7  
Will. IV. c. 12,  
as exempts  
Middlesex re-  
pealed.

XVII. So much of an Act of the ninth year of King George the Fourth, chapter forty-three, and of an Act of the session c. 43, and 6 & 7 Will. IV. c. 12, as enacts that nothing therein contained shall extend to the county of Middlesex, shall be repealed, and the said Acts shall be construed and take effect as if the county of Middlesex had not been excepted from the operation thereof.

\* \* \* \* \*

14 & 15 VICT. CHAP. 99.

AN ACT to amend the Law of Evidence.

[7th August, 1851.]

\* \* \* \* \*

Parties to be  
admissible  
witnesses.

II. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any court of justice, or before any person having by law, or by consent of parties, authority to hear, receive,

(a) See 3 & 4 Will. 4, c. 90, s. 34. (b) See 11 & 12 Vict. c. 63, s. 88.

and examine evidence, the parties thereto and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vivâ voce* or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or other proceeding.

\* \* \* \* \*

### 14 & 15 VICT. CHAP. 105.

AN ACT to continue an Act of the Fourteenth Year of Her Majesty for charging the maintenance of certain poor Persons in Unions in England and Wales upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor (c). [8th August, 1851.]

“WHEREAS by an Act passed in the fourteenth year of Her Majesty, chapter one hundred and one, certain provisions made by the several Acts therein mentioned, for charging upon the common fund of the union the costs of the relief and the expenses of the burial of certain poor persons therein described, and the costs of removing and maintaining certain lunatic paupers, were continued until the thirtieth day of September in the year one thousand eight hundred and fifty-one, and to the end of the then next session of parliament, and were made to apply to certain incorporated hundreds therein mentioned; and it is expedient that all the several provisions aforesaid should be continued for a limited time, and that certain amendments should be made in the laws relating to the relief of the poor:” Be it therefore enacted by the Queen’s most excellent Majesty by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

I. All the said several temporary provisions in the said Acts above referred to shall continue in full force until the thirtieth day of September, one thousand eight hundred and fifty-two, and to the end of the then next session of parliament (d). Certain provisions of 13 & 14 Vict. c. 131, continued for a limited time.

II. The guardians elected for the several parishes in any union formed or to be formed under the Act of the fifth year of King William the Fourth, chapter seventy-six, or for the several wards in any parish divided into wards, shall continue to act as such until the fifteenth day of April inclusive in each year, notwithstanding their successors may have been elected previously to that day; and from and after the said fifteenth day of April every guardian newly elected for any such parish or ward shall act as such guardian for the ensuing year (e). The new board of guardians to be constituted from and after the 15th April in each year.

(c) See 30 & 31 Vict. c. 106, s. 30.

(e) See 4 & 5 Will. 4, c. 76, s. 38;

(d) See 15 & 16 Vict. c. 14.

and 7 & 8 Vict. c. 101, s. 17.

Penalties for malpractices at the election of guardians.

III. If any person, pending or after the election of any guardian or guardians, shall wilfully, fraudulently, and with intent to affect the result of such election, commit any of the acts following; that is to say, fabricate in whole or in part, alter, deface, destroy, abstract, or purloin any nomination or voting paper used therein; or personate any person entitled to vote at such election; or falsely assume to act in the name or on the behalf of any person so entitled to vote; or interrupt the distribution or collection of the voting papers; or distribute or collect the same under a false pretence of being lawfully authorized to do so; every such person so offending shall for every such offence be liable, upon conviction thereof before any two justices, to be imprisoned in the common gaol or house of correction for any period not exceeding three months, with or without hard labour.

Guardians empowered to subscribe to hospital or infirmary, with the consent of the poor law board.

IV. "Whereas doubts have been entertained with regard to the legal authority of guardians to subscribe towards the funds of any hospital or infirmary:" Be it enacted, that the guardians of any union or parish may, with the consent of the poor law board, pay out of the common fund of such union, or, in the case of a parish, out of the funds in the hands of such guardians, any sum of money as an annual subscription towards the support and maintenance of any public hospital or infirmary for the reception of sick, diseased, disabled, or wounded persons, or of persons suffering from any permanent or natural infirmity (a).

Power to guardians to reimburse for damage to the property of their officers in certain cases.

V. The guardians may, where they think fit, pay to or reimburse any of their officers the expense necessarily incurred in repairing or restoring property belonging to such officer which may have been unlawfully, wilfully and maliciously damaged, injured, or destroyed by any person applying or having applied for relief, and such costs and expenses incurred in the prosecution of the offender as may not be allowed by the court before which the prosecution or trial shall take place (b).

Certain poor children of a union or parish may, with consent of poor law board, be sent to a workhouse, &c. belonging to another union or parish.

VI. Where in any union or parish there shall be a workhouse or building having adequate provision for the reception, maintenance, and education of poor children, and there shall be more accommodation therein at any time than the guardians of such union or parish shall require for the poor children of their own union or parish, such guardians may, with the consent of the poor law board, contract with the guardians of any other union or parish, any part of which is not more than twenty miles from such workhouse or other building, for the reception, maintenance, and instruction therein of any poor children under the age of sixteen years chargeable to such other union or parish,

(a) See 32 & 33 Vict. c. 63, s. 16.

(b) See 7 & 8 Vict. c. 101, s. 59.

#### PERSONATING A DECEASED ELECTOR.

Decision on sect. 3.

Personating an elector who is dead, and signing the voting paper in his name, is not an offence under 14 & 15 Vict. c. 105, s. 3: *Whiteley v. Chappell*, 33 J. P. 244; 19 L. T. (N. S.) 355; 38 L. J. M. C. 51; 9 B. & S. 1019.

or to any parish in such other union, being orphans or deserted (within 20 miles) where by their parents, or whose parents or surviving parent shall consent: and such last-mentioned children while at such workhouse or other building shall be maintained and instructed in the same manner in all respects as the children of the union or parish to which such workhouse or other building shall belong, and shall be subject to the control and management of the guardians of such union or parish, or their officers, in like manner as if such children were chargeable to such union or parish: Provided always, that the abiding of any such child in any such workhouse or building shall in all other respects be attended with the same legal consequences as if such workhouse or building had been situated within the union or parish from which such child shall have been sent (c). there is adequate accommodation. Proviso.

\* \* \* \* \*

VIII. Where the execution of any order of justices for the removal of a pauper shall have been or shall be suspended, the overseers of the parish to which the removal is thereby ordered to be made may from time to time during the continuance of the suspension, if they think fit, pay to the overseers of the parish obtaining such order the costs and expenses incurred in the maintenance and relief of the poor person mentioned in such order, either directly or through the guardians of the union comprising either or both of such parishes, and shall have credit for every such payment in the charges allowed by any order of justices subsequently made (d). Payments under suspended orders of removal.

IX. Where the overseer or any other officer of any parish, or any officer of a union, shall neglect to pay in due course of law money lawfully payable by him as such overseer or officer to the treasurer of such union or parish, residing or having his place of business in a county, district, or place different from that in which such overseer or officer shall reside at the time of any such default, and by reason of such neglect such overseer or officer shall be liable to be summoned before a justice or justices, any justice or justices of either county, district, or place shall have jurisdiction to hear and determine the complaint (e). What justices shall have jurisdiction to hear and determine complaints as to non-payment of money to the treasurer of the union.

X. It shall be lawful and sufficient to send any notice of appeal against an order of removal, or statement of grounds of appeal against such order, by post or otherwise, in like manner as a copy of an order of removal and statement of grounds of removal may now be sent by law (f). Notice of appeal, &c. may be sent by post.

(c) See 9 Geo. 1, c. 7, s. 4; 12 & 13 Vict. c. 103, s. 14; 29 & 30 Vict. c. 113, s. 16; and 33 & 34 Vict. c. 48, s. 1. 11 & 12 Vict. c. 31, s. 10; and 30 & 31 Vict. c. 106, s. 26.

(e) See 2 & 3 Vict. c. 84, s. 1; and 30 & 31 Vict. c. 106, s. 27.

(d) See 4 & 5 Will. 4, c. 76, s. 84; (f) See 4 & 5 Will. 4, c. 76, s. 79; and 11 & 12 Vict. c. 31, s. 9.

#### SERVICE OF NOTICE OF APPEAL.

The service of notice and grounds of appeal by post, which notice is delivered to the respondents in the ordinary course of post on Sunday, will not be a good service, if there should not be 14 days "at least" between *Decisions on sect. 10.*

Explanation of the terms "officer" and "justices" in 9 & 10 Vict. c. 66, s. 6, and provision for the application of the penalty.

XI. "And whereas by the statute of the tenth year of Her Majesty, chapter sixty-six, section six, any officer of a parish or union wrongfully causing or procuring any poor person to be removed or conveyed or to depart from a parish under the circumstances therein described is rendered punishable upon conviction before two justices: And whereas it is expedient to remove doubts which have arisen thereon:" Be it enacted, that the term "officer" shall include any overseer, and that the term "justices" shall apply to the justices of the county or other jurisdiction in which the parish may be situated from or to which such poor person shall be removed; and that the penalty imposed by the Act shall be paid to the overseers of the parish to which the poor person shall become chargeable in consequence of such unlawful removal, conveyance, or departure, to be applied in aid of the poor rate of such last-mentioned parish.

Power to refer, by mutual consent, questions of settlement, removal or chargeability to poor law board.

XII. The guardians of any two unions or parishes, or the guardians of a union and the guardians of a parish, or the guardians of a union or parish and the overseers of any parish, or the overseers of any two parishes, between whom any question affecting the settlement, removal, or chargeability of any poor person shall arise, may, if they think fit so to do, by agreement in writing executed in respect of any guardians by sealing with their common seal, and in respect of overseers by the signatures of a majority of them, submit such question to the poor law board for their decision, and the said board may, if they see fit, entertain such question, and by an order under their seal determine the same; and every such order shall be in all courts and for all purposes final and conclusive, between the parties submitting such question, as to the question therein determined (a).

As to delivery of statement of charges for maintenance of paupers.

XIII. "And whereas by the statute of the tenth year of Her Majesty, chapter sixty-six, section seven, it is enacted, that the delivery of any pauper under any warrant of removal directed to the overseers of any parish at the workhouse of such parish, or of any union to which such parish belongs, to any officer of such workhouse shall be deemed a delivery of such pauper to the overseers of such parish:" Be it enacted, that the delivery of a written statement of the charges for the maintenance of any pauper delivered under any order or warrant of removal directed to the overseers of any parish, at the workhouse of such parish, or of any union to which such parish belongs, to

(a) See 11 & 12 Vict. c. 110, s. 4.

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#### SERVICE OF NOTICE OF APPEAL—continued.

Decisions on sect. 10.

the day of service and the first day of the sessions, counting Sunday as a *dies non*: Ex parte *Ashford*, 16 J. P. 759.

Notice of appeal must be supposed to be given at the time when, according to the regular and usual course of post, it ought to reach the respondents: *Reg. v. Slawstone*, 21 L. J. M. C. 145; 18 Q. B. 388; 16 Jur. 1066.

any officer of such workhouse, at the time of the delivery of such pauper, shall be deemed a delivery of such statement to the overseers of such parish, and shall be deemed a sufficient demand thereof in any proceedings for the recovery of such charges.

XIV. The poor law board may, if they see fit, upon the application or with the consent of the acting members of the board of management, at any time, by an order under their seal, dissolve any combination of unions or parishes, or unions and parishes, formed under the Act of the eighth year of Her Majesty, chapter one hundred and one, into districts for the purpose of providing and managing asylums for the temporary relief and setting to work therein of destitute houseless poor, and, prior to issuing any such order of dissolution, may empower, by their order, the board of management of such district to pay and apply any funds in their possession in discharge of any liabilities then outstanding against such board, and to sell and dispose of any land, buildings, or other property belonging to them, and to apply the produce of the same to the like purpose; and any surplus that may remain after satisfying all liabilities shall be returned to the several unions and parishes in proportion to their original contributions (b).

Poor law board empowered to dissolve any asylum district.

Provision for its property.

XV. The conveyance of such property by the acting members of the said board of management of any such district, when approved and sealed by the poor law board, shall be deemed valid, notwithstanding any defect which may exist in the number required to constitute such board of management (b).

How conveyance may be executed.

XVI. "And whereas provision is made in the said last-mentioned Act for the combination of unions and parishes into school districts, and authority is given to the district board, subject to the order of the poor law board, to borrow or raise such sum or sums of money as may be necessary for the purpose of purchasing any site, or purchasing, hiring, or building, and of fitting up and furnishing, a building or buildings for such school; and it is further provided that the principal sum or sums to be raised for the purpose of providing such building or buildings, and charged on any union or parish not included in a union, shall in no case exceed one-fifth of the average annual amount of the aggregate expenditure relating to the relief of the poor within any union, or of the like expenditure within any such parish, for three years ending the twenty-fifth day of March next preceding the raising of the money: And whereas by the Act of the fourteenth year of Her Majesty, chapter one hundred and one, section three, with reference to school districts situated within the metropolitan police district, the cost of the site of any such school may be borrowed over and above the amount so limited as aforesaid: And whereas it is expedient with respect to such last-mentioned school districts that the limit of expenditure fixed by the said Act of the eighth

The limit of the expense to be incurred in school districts within the metropolitan police district extended from one-fifth to one-third.

year of Her Majesty should be enlarged :” Be it therefore enacted, that in respect of any school district situated within the said metropolitan police district such limit shall be enlarged from one-fifth to one-third (*d*).

Provision for disposal of school district property.

XVII. The board of management of any school district may in like manner, and subject to the like order, rules, and regulations of the poor law board, as in the case of the guardians of a union (*e*), exchange, demise, sell, or otherwise dispose of any land belonging to the said district, and apply the rents or produce of any such exchange, sale, or disposition for the benefit of the said district in such manner as the said poor law board shall direct.

Assaults upon poor law officers in the execution of their duty.

XVIII. The provision in the Act of the fourteenth year of Her Majesty, chapter one hundred and one, section nine, relative to assaults upon certain poor law officers in the execution of their duties, or upon persons acting in their aid, shall extend to an assault upon any person included under the word “officer” in the said Act of the fifth year of King William the Fourth, chapter seventy-six, or upon any other person acting in his aid.

Construction of terms.

XIX. The several words used in this Act shall be construed in the manner prescribed by the Act of the fifth year of King William the Fourth, chapter seventy-six, and the statutes explaining and extending it; and all the provisions of the said last-mentioned Act and of the said statutes not repealed shall extend to this Act, except where any provision would be inconsistent with anything herein contained.

Extent of the Act.

XX. This Act shall extend only to England and Wales.

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### 15 & 16 VICT. CHAP. 38.

AN ACT to explain Two Acts of the Twelfth and Thirteenth Years of the Reign of Her Majesty, concerning the Appointments of Overseers, and the Authority of Justices of the Peace to act in certain Matters relating to the Poor in Cities and Boroughs.  
[30th June, 1852.]

“WHEREAS by the Act passed in the twelfth year of the reign of Her Majesty, chapter eight (*f*), it was enacted, that in every city, town corporate, or borough, the justices of the peace having jurisdiction therein should have the exclusive right of appointing the overseers of the poor of the several parishes, townships, or other places separately maintaining their own poor, or of any parts thereof within the said cities, towns corporate, and boroughs respectively, in like manner and with the same effect

(*d*) See 7 & 8 Vict. c. 101, s. 44;      (*e*) See 5 & 6 Will. 4, c. 69,  
13 & 14 Vict. c. 101, s. 3.      s. 3.

(*f*) See 12 Vict. c. 8, s. 1.

as the justices of any county then had in respect of the overseers of the poor of any parish within such county: And whereas by another Act of the thirteenth year of the reign of Her Majesty, chapter sixty-four (*g*), it was enacted that all powers and authorities which by the Act of the forty-third year of the reign of Queen Elizabeth, intituled ‘An Act for the Relief of the Poor,’ may be exercised out of general or quarter sessions by two or more justices of any county, might be exercised within any city or borough by any two or more justices of the peace having jurisdiction within such city or borough respectively as fully in all respects as by the justices of the county in or for any parish of such county: And whereas doubts exist as to the meaning of the said statutes with reference to the justices who are competent to act under and by virtue of the same, and it is expedient that such doubts should be removed;” Be it therefore enacted and declared, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that in any city or borough all justices of the peace, whether of such city or borough or of the county, riding, or division comprising the same or adjoining thereto, who shall otherwise have jurisdiction to act in any matter arising within such city or borough, shall be deemed to be competent to act therein under and by virtue of the said statutes in all respects.

Justices having jurisdiction in other matters in any city or place may act in cases relating to the relief of the poor.

### 15 & 16 VICT. CHAP. 81.

AN ACT to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales (*h*). [30th June, 1852.]

“WHEREAS it is expedient that the laws relating to the assessing and collection of county rates should be amended, and that the statutes now in force relating to that subject should be consolidated into one Act:” Be it therefore enacted, by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,

I. That from and after the passing of this Act so much of an Act passed in the twelfth year of the reign of His late Majesty King George the Second, intituled, “An Act for the more easy assessing, collecting, and levying of County Rates,” as provides the mode of assessing and collecting county rates, and so much of an Act passed in the thirteenth year of His said late Majesty,

Repeal of 12 Geo. II. c. 29; 13 Geo. II. c. 18; 37 Geo. III. c. 65;

(*g*) See 12 & 13 Vict. c. 64, s. 1. Buckingham, see 54 Geo. 3, c. iii.,

(*h*) As regards the county of and 23 Vict. c. lxxxvi.

55 Geo. III. intituled "An Act to continue several Laws therein mentioned,  
 c. 51 ;  
 56 Geo. III. for punishing such Persons as shall wilfully or maliciously pull  
 c. 49 ; down or destroy turnpikes, for repairing Highways, or Locks or  
 57 Geo. III. other works erected by Authority of Parliament for making  
 c. 94 ; Rivers navigable," and for other purposes, as extended the  
 1 & 2 Geo. IV. powers of justices of the peace of counties touching county  
 c. 85 ; rates to the justices of the peace of such liberties and franchises  
 1 Will. IV. as have commissions of the peace within themselves, and an Act  
 c. 48 ;  
 4 & 5 Will. IV. passed in the thirty-seventh year of the reign of His late  
 c. 48 ; 8 & 9 Majesty King George the Third, intituled "An Act for em-  
 Vict c. 111 ; powering the Justices of the Peace for the County of Middlesex,  
 12 & 13 Vict. at their general or quarter Sessions of the Peace, to make a fair  
 c. 65. and equal County Rate for the said County," and an Act  
 passed in the fifty-fifth year of the reign of His said Majesty,  
 intituled "An Act to amend an Act of His late Majesty King  
 George the Second, for the more easy assessing, collecting, and  
 levying of County Rates," except as to the provision in the  
 said Act, clause seventeen, relating to the allowance to the county  
 treasurer, and an Act passed in the fifty-sixth year of the reign  
 of His said Majesty King George the Third, intituled "An Act  
 to explain and amend an Act passed in the last Session of Par-  
 liament, for the more easy assessing, collecting, and levying of  
 County Rates," and an Act passed in the fifty-seventh year of  
 His said late Majesty, intituled "An Act to amend an Act of  
 the last Session of Parliament, for the more easy assessing of  
 County Rates," and an Act passed in the session of parliament  
 holden in the first and second years of the reign of His late  
 Majesty King George the Fourth, intituled "An Act to explain  
 and amend several Acts relating to the assessing, levying, and  
 collecting the County Rates" (a), and an Act passed in the first  
 year of the reign of His late Majesty King William the Fourth,  
 intituled "An Act to alter and amend the several Acts now in  
 force for the assessing, collecting, and levying of County  
 Rates, so far as the same relate to the county of Middlesex" (b),  
 and an Act passed in the session of parliament holden in the  
 fourth and fifth years of the reign of His said late Majesty  
 King William the Fourth, intituled "An Act to regulate the  
 Expenditure of County Rates and Funds in aid thereof" (c), and  
 an Act passed in the session of parliament holden in the eighth  
 and ninth years of the reign of Her present Majesty Queen  
 Victoria, intituled "An Act to amend the Laws relating to the  
 assessing of County Rates" (d), and also so much of the Act  
 passed in the session of parliament held in the twelfth and  
 thirteenth years of Her Majesty, intituled "An Act to provide  
 a more convenient Mode of levying and collecting County  
 Rates, County Police Rates, and District Police Rates in  
 Parishes situated partly within and partly without the Limits  
 of Boroughs which are not liable to such Rates" (e), as provided

(a) 1 &amp; 2 Geo. 4, c. 85.

(d) 8 &amp; 9 Vict. c. 111.

(b) 1 Will. 4, c. xlviii.

(e) 12 &amp; 13 Vict. c. 65.

(c) 4 &amp; 5 Will. 4, c. 48.

that the overseers of parishes or places separately maintaining its\* own poor, and divided in the manner in the said Act mentioned, should collect the county rates leviable on the part of the parish or place not comprised within the borough, shall be and the same are hereby repealed, save and except so far as they or any of them provide for or relate to any matter or thing other than the county rate (*f*).

II. From and after the passing of this Act, it shall be lawful for Her Majesty's justices of the peace of every county in England and Wales (*g*) assembled at their general or quarter sessions of the peace or at any adjournment thereof, from time to time, as often as they may deem it necessary, to appoint any number of justices, not exceeding eleven in number nor less than five, to be a committee for the purpose of preparing a basis or standard for fair and equal county rates, such basis or standard to be founded and prepared rateably and equally according to the full and fair annual value of the property, messuages, lands, tenements, and hereditaments rateable to the relief of the poor in every parish, township, borough, or place, whether parochial or extra-parochial (*h*), within the respective limits of the said justices commissions, or which in any place within such limits not maintaining its own poor would be liable to be rated for the relief of the poor if such last-mentioned place were a parish, or of altering and amending such basis or standard from time to time as circumstances may require: Provided that in counties containing or which may hereafter contain more than eleven petty sessional districts or divisions, the committee so appointed may be extended to a number equal to the number of petty sessional divisions, in order that one justice may be selected from the justices usually acting in each such petty sessional division, if the same shall appear convenient in the opinion of the justices appointing such committee (*i*).

Justices at sessions to appoint committees for preparing a basis or standard for assessing county rates.

III. The committee so appointed shall hold their first Meetings of meeting after their appointment at such time and place as committee, shall be fixed by the said court of general or quarter sessions, and their subsequent meetings at such times and places as they shall themselves appoint, for carrying this Act into execution; and at every meeting of the said committee, if three or more members thereof are present, they shall be competent to act as fully and effectually as if all the members of the said committee were present (*i*).

(*f*) So much of sects. 1 to 20, both inclusive, of this Act as relates to the preparation of a basis or standard of county rate for any part of the metropolis, is repealed by 32 & 33 Vict. c. 67, s. 77, Sch. 5.

(*g*) See 21 & 22 Vict. c. 33.

(*h*) See 20 Vict. c. 19, s. 1

(*i*) Repealed as to the metropolis, 32 & 33 Vict. c. 67, s. 77.

#### LANDS IN ANCIENT DEMESNE.

Tenants in ancient demesne are not exempted from county rates, and *Decision on* come within the general words of 15 & 16 Vict. c. 81, s. 2: *Reg. v. Ayles- sect. 2.* *ford*, 1 L. T. (N. S.) 328; 6 Jur. (N. S.) 297; 24 J. P. (N.) 100, 534.

Committee  
may appoint a  
clerk.

IV. Such committee may from time to time, as they may see fit, appoint a clerk to assist them in the execution of their duties under the provisions of this Act, and may at any time remove such clerk, and appoint another in his stead (a).

Committees  
may require  
returns of the  
annual value  
of the property  
in any parish  
liable to be  
assessed, with  
the date of the  
last valuation.

V. For the purpose of preparing such basis or standard for fair and equal county rates the said committee, by their order in writing, to be signed by their clerk, may from time to time, as often as they may deem it necessary, direct the overseers of the poor, constables, assessors, and collectors of public rates of or for any parish, township, borough, or place within the county, and all other persons having the custody or management of any public or parochial rates or valuations of any such parish, township, or place, to make returns in writing to the said committee, at such times and places as they may appoint, of the amount of the full and fair annual value of the whole or of any part of the property within the parish, township, or place liable to be assessed toward the county rate, together with the date of the last valuation for the assessment of such parish, and the name of the surveyor, or if no surveyor, then the name or names of the person or persons by whom and the manner in which the said valuation was made; and the overseers of the poor required to make any such return in respect of any parish, township, or place maintaining its own poor, and the constable or other person required to make any such return in respect of any place not maintaining its own poor, shall, before they present the same to the said committee, lay the same before a vestry meeting of the parish, township, or place for which they act, or where no vestry meeting is held, before some other meeting of the inhabitants of such place, if any such there be, at which the public business of such place is commonly transacted (a).

Such returns  
to be laid be-  
fore a vestry  
meeting pre-  
vious to their  
being pre-  
sented to the  
committee.

Meaning of  
"full and fair  
annual value."

VI. For the purposes of preparing any such basis or standard for assessing any county rate, the words "full and fair annual value" shall be taken to mean the net annual value of any property as the same is or may be required by law to be estimated for the purpose of assessing the rates for the relief of the poor (b).

(a) Repealed as to the metropolis, and as to the metropolis, see 32 & 33  
32 & 33 Vict. c. 67, s. 77. Vict. c. 67, s. 45.

(b) See 6 & 7 Will. 4, c. 96, s. 1;

#### UNOCCUPIED HOUSES.

*Decision on  
sect. 5.*

The committee of justices of Middlesex, under 15 & 16 Vict. c. 81, prepared a basis for the county rate, and made a uniform deduction for the entire county of  $2\frac{1}{2}$  per cent. for empty and unoccupied houses. In the parish of Hammersmith the actual average per-centage for empty and unoccupied houses was 14 per cent.; and the parish claimed to have that deduction made, whereby the assessment would be reduced from 77,805*l.* to 66,913*l.*; but it was held that the parish was not entitled to any deduction whatever in respect of empty and unoccupied houses: *Reg. v. Hammersmith*, 33 L. T. 183; 7 W. R. 524.

VII. The said committee may from time to time, as often as they may deem it necessary, by their order in writing, signed as aforesaid, require the said overseers of the poor, constables, assessors, collectors, and any other persons whomsoever, to appear before them, when and where, and as often as the said committee may deem expedient, and to produce all parochial and other rates, assessments, valuations, apportionments, and other documents in their custody or power relating to the value of or assessment on all or any of the property within the several parishes and places aforesaid which may be liable to be assessed toward the county rate, and to be examined on oath, and answer such questions as the said committee may put to them respectively touching the said rates, assessments, valuations, or apportionments, or the value of the property aforesaid; and the said committee shall be authorized and empowered to administer such oath, and to examine the parties upon oath as aforesaid; and moreover it shall be lawful for such committee in the like cases from time to time to cause copies of the total amount assessed in each parish, township, or place in respect of any aids or taxes payable to Her Majesty, her heirs, or successors, and the total amount of the valuation of the property on which such assessments were made in any year then elapsed, to be made out by the clerk to the commissioners of each district within the limits of the jurisdiction of such justices (c).

Committees empowered to inspect rates, assessments, valuations, &c.

55 Geo. III. c. 51.

VIII. Every overseer of the poor, constable, assessor, collector, or other person so required to make returns, or to appear as aforesaid, who shall, without any reasonable excuse, neglect to make such returns in writing as aforesaid, or wilfully make any false return, and every person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such documents as hereinbefore provided, shall forfeit a sum not exceeding twenty pounds, to be prosecuted for and recovered by order of the said committee before any two of Her Majesty's justices of the peace (c).

Penalty on overseers or others refusing to attend, or produce documents.

IX. That the said committee may from time to time, and so often as they may think fit, by their order in writing, to be signed as aforesaid, direct that the whole or any part of any parish, township, or place within the county shall be valued, and may appoint one or more person or persons to make such

Committees may cause new valuations to be made.

(c) Repealed as to the metropolis, 32 & 33 Vict. c. 67, s. 77.

#### PRODUCTION OF DOCUMENTS.

The 7th section of 15 & 16 Vict. c. 81, applies to private persons as well as to the public officers mentioned in sect. 5; and a person having in his possession private accounts and documents relating to the annual value of coal mines, &c., and being able to give information as to their annual value, is bound to attend when required by the committee, and on refusal, is liable to a penalty under sect. 8: *Dickson v. Doubleday*, 30 L. J. M. C. 99; 3 L. T. (N. S.) 663; 7 Jur. (N. S.) 705. Decision on sect. 7.

valuation ; and the person or persons so appointed may at all reasonable times, and with or without assistants, enter upon, view, examine, survey, and measure, all and any lands, houses, or other property within such parish, township, or place liable to be assessed toward the county rate, in order to ascertain the value at which the same ought respectively to be charged (a).

If parish officers, &c. neglect to make returns, or make false returns, expenses of valuations to be paid by parishes.

X. If any overseers or other persons neglect to make any such return in writing as aforesaid, or wilfully make any false return or statement of the amount of the full and fair annual value of the property within the parish, township, or place liable to be assessed towards the county rate, any court of general or quarter sessions of the peace, upon the report of the said committee, may order that the whole of the expenses incurred by the said committee in ascertaining the amount of the full and fair annual value of the same shall be charged upon the parish, township, or place of which the overseers or other persons have been guilty of such neglect or misconduct as aforesaid, in addition to the proportion of the county rate to be paid by such parish, township, or place ; and such expenses shall be raised, levied, and collected by such and the like ways and means as county rate can or may be raised, levied, and collected, and shall be paid therewith, due distinction being made, in the case of every such additional assessment, between the sum or sums charged for any such expenses and the sum or sums assessed for the county rate (a).

Costs of valuations directed by committee.

XI. In any case where any committee appointed as aforesaid have directed the whole or any part of any parish, township, or place to be valued, and where, in the basis or standard of rate afterwards allowed and confirmed by any court of quarter session upon the report of such committee, such parish, township, or place is rated on a sum greater than the sum set forth in the returns made to such committee by the overseers of the poor, constable, or other person required to make such return in any place not maintaining its own poor, if there be no appeal made, and prosecuted with success, against the basis or standard for the rate on such parish, township, or place, at the quarter session holden next after such confirmation or allowance of such basis or standard, the justices of the peace at such session shall order the overseers, constable, or other person as aforesaid of such parish, township, or place to pay the amount of the expenses incurred in making such valuation ; and in any such case as aforesaid, if there be an appeal to the justices of the peace at any quarter session against such basis or standard, on the ground that such parish, township, or place is rated on a sum beyond the fair annual value of the property therein, and if on such appeal such basis or standard is confirmed as to such parish, township, or place, or if it be not reduced to or below the sums set forth in the returns made to such committee as

(a) Repealed as to the metropolis, the metropolis, see 32 & 33 Vict. 32 & 33 Vict. c. 67, s. 77. As to c. 67, s. 45.

aforesaid, the justices of the peace at such session shall order the overseers, constable, or other person as aforesaid of such parish, township; or place to pay the amount of the expenses incurred in making the valuation under the direction of the committee; and such expenses shall be raised, levied, and collected by such and the like ways and means as county rate can or may be raised, levied, and collected, and shall be paid therewith, due distinction being made, in the case of every such additional assessment, between the sums charged for or on account of any such expenses and the sum or sums assessed as and for the county rate (b).

XII. The said committee from time to time may make such allowances and compensations to their clerk, and to the overseers, constables, collectors, surveyors, and other persons employed in the execution of this Act, as to them shall appear reasonable and proper, which, together with the costs of printing and other expenses necessarily incurred by the said committee in or about the preparing or amending any such basis or standard for county rates, shall be paid, by an order of the court of general or quarter sessions of the peace, out of the county stock (b).

XIII. When and so soon as the committee appointed as aforesaid have prepared any such basis or standard of county rate in which the total amount of the annual value of the property in any parish or place within the county is estimated at a greater or less amount than in the last preceding basis or standard, they shall cause such last prepared basis or standard to be printed in such form as they may think proper, and shall forthwith cause to be sent, by the general post or otherwise, one copy of the same to every acting justice of the peace for the county, and to the overseers of the poor, constables, or other persons charged with the collection or levy of the county rate in every parish and place within such county; and such overseers of the poor, constables, or other persons shall, within twenty-one days after the receipt of such copy, call a vestry or other meeting of such parish or place, and shall submit the said copy to such meeting; and any person rated to the relief of the poor, or liable to contribute to the county rate, in such parish or place, may at all reasonable times inspect and examine the said copy whilst the same remains in the custody of any such overseer, constable, or other person, and take extracts or copies therefrom, without the payment of any fee for the same (b).

XIV. Together with the copy of such proposed basis or standard there shall also be sent by the said committee to the overseers of the poor or constable of every such parish or place, or other person as aforesaid, a notification of a reasonable time, not less than one calendar month after the date of such notice, within which any objections to the proposed basis or standard

Allowances and compensation to persons employed in the execution of this Act.

When committee have prepared a basis for a county rate, differing in value from the preceding, they shall cause it to be printed, and distributed to the acting justices, overseers, &c.

Overseers to submit proposed basis to vestry meeting.

Notice of the time within which objections may be made to the proposed basis to be sent to the overseers.

(b) Repealed as to the metropolis, the metropolis, see 32 & 33 Vict. 32 & 33 Vict. c. 67, s. 77; and as to c. 67, s. 45.

may be forwarded to the said committee by such overseers or constable or other person as aforesaid, or by any person affected by such basis or standard; and the said committee shall fix and give due notice of a time and place when and where such objections will be taken into consideration by the said committee, and for hearing the parties making such objections (a).

Notice to be given when basis will be taken into consideration by court of general or quarter sessions.

XV. When any proposed basis or standard for a county rate has been finally corrected and approved of by the said committee, they shall lay the same before the court of general or quarter sessions holden next thereafter, and such court shall thereupon order public notice to be given, in one or more of the newspapers usually circulated within the county, that such basis or standard will be taken into consideration at the then next general or quarter sessions of the peace to be held for the said county; and at such last-mentioned general or quarter session of the peace the court shall proceed to take the same into consideration, and to alter and amend the same as to them may seem proper, and, if they think fit, to allow and confirm the said basis or standard, or, instead of making any alteration in the said basis or standard, or of allowing and confirming the same, to refer back the said basis or standard for amendment to the said committee, and to adjourn the consideration thereof to some future general or quarter session of the peace, or any adjourned quarter session; and in such last-mentioned case the said committee shall have the same powers and authorities for requiring returns and ascertaining the value of property liable to be assessed toward the county rate, in order to the revising or amending of the said basis or standard so referred, as are hereinbefore given to them for preparing the same; and all the clauses and provisions hereinbefore contained for preparing any basis or standard shall be applicable in every respect to the revision or amendment of the same; and any amendment or alteration by the said committee of such basis or standard so referred shall be reported and taken into consideration at the general or quarter session of the peace, or any adjourned quarter session to which the consideration thereof was adjourned; but before any such alteration or amendment made by the said committee of the said basis or standard so referred be allowed or confirmed by the court of general or quarter session of the peace, or adjourned quarter sessions, the said committee shall send at least fourteen days previous notice thereof, by post or otherwise to every parish and place with respect to which such alteration or amendment is made (a).

Basis to be deemed valid after confirmation by court of general or quarter sessions.

XVI. When the court of general or quarter session or adjourned quarter session of the peace have so allowed and confirmed any basis or standard for a county rate, the same shall be taken to be made and established, and shall be valid, legal, and effectual, to all intents and purposes, notwithstanding any irregularity may have arisen in the making thereof, and notwith-

standing the officers of any parish or place may have omitted to make the returns hereinbefore mentioned, subject nevertheless at all times to appeals against the same, as hereinafter provided; and the said court shall cause copies of the said basis or standard, after allowance and confirmation, to be printed, and shall direct one of such copies to be sent to every acting justice of the peace for the county, and one copy to the overseers of the poor, constable, or other person charged with the collection and levy of the county rate in every parish and place within the said county; and such basis or standard, so confirmed shall be deemed and taken to be the basis or standard and the proportion in which all assessments of the county rate shall thenceforth be made, subject to such alterations as may be necessary in consequence of any appeal, or the recommendation of the county rate committee, as hereinafter enacted: Provided always, that any basis or standard now in force or hereafter to be allowed and confirmed shall continue to be in force and to be acted upon, subject to any alteration to be made by reason of any appeal or otherwise, as in this Act provided for such alteration, until a new basis or standard for a county rate shall have been made and established under this Act (b).

XVII. If at any time after the said basis or standard has been allowed, confirmed, and made as aforesaid, any overseer or overseers of the poor, or other person charged with the collection and levy of county rate in any parish or place, or inhabitant or inhabitants thereof, have reason to think that such parish, township, or place is aggrieved by any such basis or standard, whether it be on account of some one or more of such parishes, townships, or places being without sufficient cause omitted altogether from the said basis or standard, or on account of such parish, township, or place being rated on a sum beyond the full and fair annual value of the property therein liable to be assessed toward the county rate, or on account of some other parish or parishes, township or townships, place or places, being rated on a sum less than the full and fair annual value of the property therein liable to be assessed toward the county rate, such overseer or overseers of the poor, constable, or other person, or inhabitant or inhabitants, may appeal to the justices of the peace for the county at any quarter sessions to be holden after the sessions at which such basis or standard was allowed and confirmed, against such part only of the said basis or standard as may affect the parish or parishes, township or townships, place or places which appear to be over-rated or under-rated, or omitted altogether from the said basis or standard as aforesaid (subject to the provisions hereinafter contained); and if in any case where any overseer or overseers, constable, or other person as aforesaid of one parish or place appeals against the basis or standard of rate on any other parish or place, on account of the same being altogether omitted from such basis or standard, or

Appeal against basis.

Notice of appeal.

(b) Repealed as to the metropolis, 32 & 33 Vict. c. 67, s. 45, as to the 32 & 33 Vict. c. 67, s. 77; and see metropolis.

on account of the same being rated at less than the full and fair annual value thereof as aforesaid, such overseer or overseers, constable, or other person shall give twenty-one days notice in writing previous to the first day of the said session at which such appeal shall be made, of the intention to appeal, and of the cause and matter thereof, to the overseers of the poor, or where there are no such overseers to the person charged with the collection and levy of county rate in such other parish or place, and if in any case where any such overseer or overseers, constable or other person appeal against the said basis or standard on the ground that any parish, township, or place is rated on a sum beyond the full and fair annual value of the rateable property therein, such overseer or overseers, constable, or other person shall give twenty-one days notice thereof in writing, with the cause and matter thereof, to the clerk of the peace of the county, the said justices shall be empowered to hear and determine such appeal in manner by this Act directed, and either to confirm such parts of the basis or standard as have been appealed against, or to correct such inequalities or omissions as shall be proved to exist therein, in such manner as to them the said justices may appear fair, just, and equitable; but no such basis or standard shall upon any appeal be quashed or destroyed, in regard to any other parish, township, or place, unless in cases where the justices of the peace in quarter sessions assembled, or the major part of them, deem it necessary to proceed to the making of an entire new basis or standard, and where they proceed therein according to the provisions of this Act (a).

Hearing and  
determining  
appeals.

XVIII. It shall be lawful for the court of quarter session of the peace, upon any such appeal, instead of hearing the said appeal, to adjourn the same, and to order, upon the application of the appellant or respondent in such appeal, a survey and valuation of any of the parishes, townships, or places, or any parts thereof, in respect of or relating to which any such appeal shall be made, and to fix the next or some subsequent session for receiving such survey and valuation, and for hearing and determining the said appeal, and such court shall also thereupon appoint a proper person or persons to make such survey and valuation; and the person or persons so appointed shall for that purpose have full power, with or without assistants, to enter upon, view, and examine, survey, measure, and value all and any lands, houses, and property liable to be assessed toward the county rate within the parishes, townships, and places mentioned in such order; and such survey and valuation shall be reported to the quarter session, or adjournment, fixed as aforesaid for receiving the same; and the court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth (a).

Sessions to de-  
termine costs

XIX. The charges and expenses of and attending any survey and valuation ordered to be made by any court of quarter

(a) Repealed as to the metropolis, 32 & 33 Vict. c. 67, s. 77.

sessions in such appeal as aforesaid shall be deemed costs in such appeal, and abide the event thereof; and the court before which any such appeal is heard and determined may order the costs in and about such appeal to be paid by either party, appellant or respondent, as they in their discretion may think fit; but where any appeal is made on the ground that any parish, township, or place is rated on a sum beyond the full and fair annual value of the property therein, if the court before which such appeal is heard determine in favour of the appellants, such court shall ascertain the costs and charges incurred by such appellants in and about such appeal, and shall order the treasurer of the county rates to pay the same to such appellants out of the public stock of the county in his hands (b).

XX. Although no appeal shall be made as aforesaid, it shall be competent to any committee appointed as hereinbefore provided, and upon being so required by the court of general or quarter sessions, from time to time to revise any such basis or standard for a county rate being then in force in any county, for the purpose of meeting any partial changes that may have occurred in the rateable value of portions of the property liable to be assessed, and to call for information, and to exercise all the powers hereinbefore authorized, and if, after due inquiry and investigation, it shall seem fit to such committee to alter such basis or standard, they shall forthwith give notice in writing of such alteration to any parish or place whose basis or standard they propose to alter, whether by diminishing or increasing it, and shall, upon some day to be named in such notice, hear and decide upon any objection that may be made by any person on behalf of such parish or place; and upon the decision of such committee as aforesaid to alter such basis or standard, they shall report such alteration to the next or some subsequent general or quarter sessions, having given to each parish or place whose basis or standard is altered by such report notice thereof in writing not less than ten days previous to such sessions, and the justices assembled thereat, after hearing the objections, if any, that may be made by any person duly authorized to represent any such parish or place, may make such order as to them shall appear just for ascertaining and deciding upon such proposed alteration, and any order so made shall be binding upon all parties concerned (c).

XXI. From and after the passing of this Act, it shall be lawful for the justices of the peace of the several counties, or divisions of counties in England and Wales, assembled at their general or quarter sessions, or at any adjournment or adjournments thereof, and they are hereby authorized and empowered, whenever circumstances shall appear to require it, to order and direct a fair and equal county rate to be made, for all the pur-

of appeal and  
of valuation  
ordered by  
sessions.

Committee  
may revise  
basis or rate  
from time to  
time.

(b) Repealed as to the metropolis,  
32 & 33 Vict. c. 67, s. 77.

(c) See 32 & 33 Vict. c. 67, s. 45,  
as to the metropolis.

Justices in  
general or  
quarter ses-  
sions to make  
a fair and  
equal county  
rate, whenever  
circumstances

appear to require it.

poses to which the county stock or rate is now or shall hereafter be made liable by law, according to the basis or standard for the time being in force in such county or division of a county; and for that purpose to assess and tax every parish, township, and other place, whether parochial or extra-parochial (*f*), within the respective limits of their commissions, or within such divisions rateably and equally, according to a certain pound rate (to be from time to time fixed and publicly declared by such justices), upon the basis or standard hereinbefore mentioned, of the full and fair annual value of the property, messuages, lands, tenements, and hereditaments rateable to the relief of the poor therein, or which in any place not maintaining its poor would be liable to be rated for the relief of the poor if the said last-mentioned place were a parish, any law or statute to the contrary thereof notwithstanding; and the justices of the peace shall in all cases where the same may be necessary appoint proper persons within such extra-parochial or other places for the assessing, taxing, and rating such extra-parochial property, messuages, lands, tenements, and hereditaments, and levying, collecting, and paying over such assessment, taxes, or rates (*g*).

Parishes aggrieved may appeal.

XXII. If the churchwarden or churchwardens, overseer or overseers of the poor, or other inhabitant or inhabitants of any parish, township, or place, whether parochial or otherwise, where there is no churchwarden or overseer, or person appointed to act as such, shall at any time thereafter have reason to think that such parish, township, or place is aggrieved by any rate or assessment now existing, or hereafter to be made upon the basis or standard hereinbefore mentioned, either in pursuance of this Act or of any Act or Acts now in force, whether it be on account of the proportions assessed upon the respective parishes, townships, or places being unequal, or on account of some one or more of them being without sufficient cause omitted altogether from the rate, or on account of such parish, township, or place being rated at a higher proportion of the pound sterling according to the fair annual value of the rateable property therein, or on account of some other parish or parishes, township or townships, place or places, being rated at a lower proportion of the pound sterling according to the fair annual value of the rateable property therein than has been fixed and declared by the justices of the peace of the said county in sessions assembled as the basis of the rate of the said county, or on account of the altered state of the value of the property assessed, or any part thereof, or shall have any other just cause of complaint whatsoever, it shall be lawful for such churchwarden or churchwardens, overseer or overseers, of the poor, or other inhabitant or inhabitants where there is no churchwarden or overseer, or person appointed to act as such, to appeal to the justices of the peace for the county at the next quarter sessions of the peace

(*f*) See 20 Vict. c. 19, s. 1.

(*g*) See 32 & 33 Vict. c. 67, s. 45, as to the metropolis.

after such cause of appeal shall have arisen, against such part of the rate only as may affect the parish or parishes, township or townships, place or places which are unequally rated, or which shall appear to be over-rated or under-rated, or omitted altogether from the rate: Provided always, that fourteen clear days notice in writing previous to the first day of such last-mentioned quarter sessions shall be given by the parties intending to appeal to the parties against whose rate the appeal is to be made, also to the clerk of the peace of the county, and the hundred constable, of the grounds of such appeal and the intention to try such appeal at such quarter session of the peace; and the said justices are hereby empowered to hear and finally determine the same, and either to confirm such parts of the rate as have been appealed against, or to correct such inequalities, disproportions, or omissions as shall be proved to exist therein, as well in respect of the basis or standard as in the assessment of the rate made thereon, in such manner as to them the said justices shall appear fair, just, and equitable, anything in this Act, or any former Act or Acts, or any law, usage, or custom, to the contrary thereof notwithstanding: Provided nevertheless, that upon such appeal no such rate shall be quashed or destroyed in regard to any other parish, township, or place, unless in cases where the justices of the peace of any county in quarter sessions assembled, or the major part of them, shall deem it necessary to proceed to the making of an entire new rate, and shall proceed therein, according to the provisions of this Act.

**XXIII.** From and after the passing of this Act, the county rate or rates made upon any parish, township, or place (whether extra-parochial or otherwise) shall be paid, and shall and may be levied, recovered, and received, notwithstanding any appeal or appeals may have been made to the quarter sessions of the peace against any such rate or rates, and such rate or rates shall continue to be raised, levied, and received until the decision of the justices shall be made upon such appeal or appeals: Provided always, that if upon the hearing of any such appeal or appeals the court of quarter sessions of the peace shall order any rate or assessment to be set aside, decreased, or lowered, and it shall appear to the said court that any parish, township, or place have or hath, previously to the determination of such appeal or appeals, paid any sum or sums of money in consequence of such rates or assessments which ought not to have been paid or charged therein, then and in every such case the said court shall order such proportion of such sum or sums of money as shall have been so paid by any person or persons, parish, township, or place, subsequently to the notice which shall have been given of such last-mentioned appeal or appeals, to be repaid and returned to the person or persons, parish, township, or place which have or hath paid the same respectively, out of the general rate of the county in which the cause of appeal shall have arisen.

Rate to be raised, notwithstanding appeals, until determination of justices.

57 Geo. III. c. 94, s. 2.

In case justices order rate to be set aside, decreased, or lowered;

Money paid subsequent to the time of appeal to be returned out of the general county rate.

Expenses of appeals or proceedings at law shall be paid in such proportions as the justices or courts of law shall award.

Costs may be awarded upon notices of appeal not prosecuted.

Justices of the peace shall send precepts directly to guardians of unions for the payment of county rates.

XXIV. Save as hereinbefore otherwise provided, in case of any appeals, actions, suits, or proceedings at law respecting anything done in pursuance of this Act, or any other Act or Acts relating to the county rate, the expenses of all such appeals, actions, suits, or proceedings at law shall be borne and paid by such respective parishes, townships, places, and persons, or such of them, and in such proportions, as the said justices shall, as they are hereby authorized to do, upon any appeal, in their quarter sessions, award and order, or as such courts wherein such actions, suits, or proceedings shall be instituted shall, as they are hereby authorized to do, adjudge and order.

XXV. And for the more effectual preventing of frivolous appeals, be it enacted, that the justices of the peace in their quarter sessions assembled, upon proof before them there to be made of notice of any appeal having been given as hereinbefore authorized by any churchwarden or churchwardens, overseer or overseers, or other person or persons (though he or they did not afterwards prosecute such appeal), shall and may at the same sessions award and order to the party to whom such notice shall appear to have been given, such costs and charges as by the said justices in their discretion shall be thought reasonable and just to be paid by the churchwardens, overseers, or any other person by whom such notice shall have been given.

XXVI. When and as often as the justices of the peace within the respective limits of their commissions in England have made a county rate, a printed list of the parishes and places assessed to such rate, and the amount of the rateable value upon which each such parish and place shall have been respectively assessed, shall be sent to the overseers of the poor, constables, or other persons charged with the collection or levy of the county rate in every parish and place within the county (a), and such justices assembled at their general or quarter sessions or at any adjournment thereof, shall order precepts in the form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the guardians of every union of parishes, of which union any parish is situate within such limits, stating the sum or sums assessed and charged for each such rate on each parish in the union, the whole of which parish is situate within such limits, and to the guardians of every single parish situate within such limits, stating the sum or sums assessed and charged on such parish for each such rate, and requiring the guardians of such union or parish respectively, within such time as may be limited in such precepts, to cause the aggregate of the said several sums so stated to be paid by them, out of the monies held by them on behalf of each such parish, to the treasurer of the county or place for which such justices act, and may cause such precepts to be sent, by post or otherwise, to such guardians; and such precepts shall have force in every

(a) See 29 & 30 Vict. c. 78, s. 2.

such union, so far as concerns such parishes as are within the limits of the commission of the said justices, notwithstanding that the place of meeting of such guardians may not be situated within such limits, and without being endorsed with the signature of any justice of the peace having ordinary jurisdiction in the place of meeting of the guardians; and such guardians shall raise the monies required by such precepts to be paid in like manner as the money required by such guardians for the relief of the poor, and shall pay such monies at the time limited and in the manner prescribed by such precepts; and if the treasurer of such guardians, or any person on his or their behalf, tender to the treasurer of the county or place for which such justices act the aggregate of the said several sums, or if he so tender the whole sum assessed on any such parish or parishes in respect of any such rate or rates, together with a copy of such precept in which are specified the parish or parishes and the rate or rates in respect of which the same is so tendered, the treasurer of the county shall receive the sum so tendered, notwithstanding that the sums required to be paid on behalf of other of such parishes or of other of such rates be not then tendered, and shall give a receipt for the sum or sums received by him accordingly, but he shall not receive any sum on behalf of any such parish less than the whole of the sum assessed and charged thereon in respect of one such rate; and the receipt of the treasurer of such county or place shall be a good discharge for the payment of the sum specified in any such precept or of any of them (b).

Guardians to  
pay such rates.

County trea-  
surer to re-  
ceive the same.

XXVII. In case guardians do not pay within the time limited in such precept the sum or sums of money therein required to be paid on behalf of any parish, the said justices assembled as aforesaid may cause to be issued and sent, by post or otherwise, to the overseers of the poor of such parish, or to the petty constable or peace officer, or other person or persons empowered in any place to rate and levy the monies assessed as such county rate, warrants to collect and pay to the treasurer of the county or place in which such justices act, within a time to be named and limited in such warrants, the rate or rates charged on such parish or place respectively, together with an addition to such rate or rates in the proportion of one shilling to every ten; and such additional sum shall be applied and disposed of in like manner as the county rate; and such overseers of the poor, petty constables, peace officers, or other persons may reimburse themselves, as well for such additional sums as for the original amount of rate or rates, out of the monies which they are respectively empowered to rate and levy for the purpose of such county rate, but shall not receive or take from the county rate, or any other rate, any allowance or compensation for their trouble or expenses incurred in collecting, levying, or paying such county rate.

If the guar-  
dians fail to  
pay such rates,  
the justices  
may issue  
warrants to  
overseers of  
parishes, &c.  
to pay the  
same.

(b) See 32 & 33 Vict. c. 67, s. 45, as to the metropolis.

If the overseers, &c. fail to pay, the justices may levy the rate by distress and sale.

XXVIII. If any overseer, petty constable, peace officer, or other person as aforesaid refuse, make default, or neglect to pay to the treasurer of the county or place within the time limited as aforesaid, the sum or sums of money specified in the said warrants, and if the clerk of the peace or treasurer of the county or place make complaint thereof, then any justice of the peace of such county or place may by warrant under his hand levy the same by distress and sale of the goods of the offender; and the justices assembled as aforesaid may pay to any clerk, constable, messenger, or other person who may have been employed in making such complaint, or in obtaining, drawing, or executing such warrant, such reasonable compensation out of the county stock as to the said justices may seem fit.

Parishes not in arrear with contributions to be reimbursed by those which are in arrear.

XXIX. In every case where any parish comprised in an union has, on or before the day on which any precept as aforesaid should be obeyed, contributed money sufficient to enable the guardians of the union to pay any sum or sums required by such precept in respect of such parish, as well as to provide for the immediate relief of the poor of such parish, and to satisfy all other obligations of the said guardians in respect of such parish in force on that day, and where, through the default of any other parish or parishes in the same union in contributing money to such guardians, or through the neglect of such guardians to demand sufficient contributions from any other parish or parishes in the same union, the said guardians have applied the money of such first-mentioned parish to the use of such other parish or parishes, and are thereby rendered unable to pay any money so required by such precept on behalf of such first-mentioned parish, and such parish is by reason thereof compelled to pay the additional sum of one shilling in every ten, as hereinbefore provided, in every such case the guardians of the union shall reimburse such first-mentioned parish such additional sum, and all costs incurred by reason of the premises, out of the monies of such other parish or parishes which may next thereafter come into the hands of such guardians; and in case more than one parish be in default as aforesaid the said guardians shall charge such additional sum and costs to every such parish, in proportion to the amount of the deficiency of the contribution of each parish respectively on the day on which the said precept should have been obeyed.

Justices may issue precepts to overseers of parishes, &c. not comprised in unions, or only partly within the jurisdiction of the justices.

XXX. In the case of every parish not comprised within any union, and in which the laws for the relief of the poor are not administered by a board of guardians, and in the case of every parish comprised in a union the guardians of which are not empowered to relieve the poor, and in the case of any parish comprised within a union, or in which the laws for the relief of the poor are administered by a board of guardians, of which parish a part only is situated within the limits of the commission of any justices, for which part no separate rate is levied for the relief of the poor, or where there are no separate churchwardens or overseers of the poor, or where no separate or distinct rate is

made and collected for the relief of the poor of any division or part of any parish, township, or place situated in and extending into two or more counties, ridings, or divisions, and in the case of every place not maintaining its own poor, but liable to the payment of county rates as aforesaid, the justices assembled as aforesaid may, so soon as any vacancy occurs in the office of high constable, issue their warrant to the overseers, petty constables, peace officers, or other persons empowered by law to rate and levy county rates in such parish, part of a parish, or place, to pay to the county treasurer, or to transmit to him in such manner as the said justices may from time to time direct, within a time limited in such warrant, the county rate, as aforesaid charged on them, without the agency or intervention of any high constable, and such justices may cause such warrant to be sent by post or otherwise; and in case the said overseers, petty constable, peace officer, or other person refuse or neglect to pay any such rate within the time limited in such warrant, the same remedy may be had against them as is hereinbefore provided against overseers, petty constables, peace officers, or other persons refusing, making default, or neglecting to pay to the treasurer of the county or place, within the time limited, the rate or rates charged upon any parish in union, and omitted to be paid by the guardians of such union, in compliance with the precept issued by the justices as aforesaid.

XXXI. "Whereas there are several parishes, townships, hamlets, and places situated in and extending into two or more counties, ridings, or divisions having separate and distinct commissions of the peace, part of such parishes, townships, hamlets, and other places being situated in one county, riding, or division, and other part or parts thereof in another county or other counties, riding or ridings, division or divisions, and the messuages, lands, tenements, and hereditaments situated in such parishes, townships, hamlets, or other places are rateable to the relief of the poor therein, and to the county rates of the respective counties, ridings, or divisions in which such messuages, lands, tenements, and hereditaments are respectively situated, but the constables, churchwardens, and overseers are appointed for the whole of such parishes, townships, hamlets, or places, and it frequently happens that such constables, churchwardens, and overseers are resident in one division of such parishes, townships, hamlets, or other places, and that there are no constables, churchwardens, or overseers residing in the other division thereof, or within the limits of the jurisdiction of the justices making such county rate or rates, whereby considerable difficulties have in such cases arisen in raising the county rates in such divisions:" For remedy whereof, be it enacted, that from and after the passing of this Act all and every the powers and provisions, clauses, pains, penalties, and forfeitures, given, granted, provided, made, or imposed by this Act, shall extend, and be deemed, construed, and taken to extend, to all cases and places as aforesaid where there are no separate churchwardens

Powers of Act to extend to places where there are no separate churchwardens, &c., or

where no separate or distinct poor rate is made for any place extending into two or more counties, &c.

or overseers of the poor, or where no separate or distinct rate is made and collected for the relief of the poor of any such division or part of any parish, township, or place situated in and extending into two or more counties, ridings, or divisions, as aforesaid; and that all and every the constables, churchwardens, and overseers of any such parishes, townships, hamlets, or other places as are situated in and extend into two or more counties, ridings, or divisions, having separate and distinct commissions of the peace as aforesaid, shall be subject to the precepts, warrants, orders, and directions of the several justices of the peace for the respective divisions or parts of such parishes, townships, hamlets, or other places, so far as the same may relate to the making of the returns hereinbefore required, and the assessing, levying, and collecting of the proportion of the county rate for such respective divisions or parts of such parishes, townships, hamlets, or other places, or otherwise to the execution of this Act, within the parts of such parishes, townships, hamlets, or other places as shall be situated within the limits of the jurisdiction of the justices making and issuing such precepts, orders, warrants, and directions, and shall be subject to the same fines, penalties, and forfeitures for neglect and disobedience of the precepts, warrants, orders, and directions of such justices, so far as the same shall relate to the matters aforesaid or any of them, or otherwise to the execution of this Act as such constables, churchwardens, and overseers, or other officers would by the laws now in force be subject and liable to if such constables, churchwardens, overseers, or other officers had resided within the limits of the jurisdiction of the justices making and issuing such precepts, warrants, orders, and directions: Provided always, that nothing herein contained shall extend, or be construed, deemed, or taken to extend, to authorize any justice or justices of the peace to act in the cases aforesaid, or any of them, beyond the limits of the jurisdiction within which he or they shall be generally appointed and authorized to act as such justices.

Justices not to act beyond their jurisdiction.

The overseers of parishes situated partly within boroughs and partly without to collect the county rates leviable on the part of the parish not comprised within the borough.

XXXII. That where any parish or place separately maintaining its own poor shall be divided, so that a part is comprised in a borough not subject to contribute to the county rate, while the part out of the borough is liable to contribute thereto, and any county rate shall be assessable upon the part of the parish or place which is comprised within the county and excluded from the borough, the overseers of such parish or place shall, on receipt of any precept or other lawful demand from the justices of the county, or other due authority in that behalf, demanding the payment of any sum of money as the contribution of the part of such parish or place out of the borough towards any such rate as aforesaid, with all convenient speed assess the sum so required upon the persons liable (a) within such part of the parish or place to pay the poor rate therein,

(a) See 32 & 33 Vict. c. 41, ss. 3, 4.

by means of a separate rate, to be made, allowed, and published in like manner as the poor rate, and either by themselves or by the collector of poor rates for the time being appointed for the said parish or place shall collect the same separately or with the poor rate payable by the parties assessed thereto, and for the purposes of assessing and collecting the same shall have all such powers, authorities, privileges, protections and incidents as belong to them in the assessing and collection of the poor rate; and all provisions of the law for enforcing the collection of the poor rate, and recovering the costs of the proceedings therein, shall be applicable to the collection of the rate or rates herein last above mentioned and provided for (b).

XXXIII. That any person assessed to any rate made under the authority of the provisions last hereinbefore contained may appeal against the same, in like manner, and with the like consequences in all respects, and subject to the same provisions and regulations, as in appeals against the poor rate (c); and that every overseer and collector shall account for the money levied, collected, and expended under the authority of this Act to the auditor of the district comprising such parish or place, in like manner as for the poor rate, and if any balance be found to be in his hands shall apply the same towards the next county rate required for the like purpose of this Act, or shall pay the same to his successor in office; and in default of his so applying the same while in office, or making payment to his successor within seven days after the balance shall have been found, such auditor shall proceed to recover the same from the person holding the same, in like manner as sums certified by him to be due from persons accounting shall from time to time be recoverable, and he shall be paid his costs and expenses when not recovered from the defendant, by the then overseers of the parish or place, who shall be reimbursed out of the balance of such rate, or, if need be, out of the next rate (d).

XXXIV. That where a precept shall be issued to the guardians of the union comprising any such parish or place, under the provisions in that respect hereinbefore contained, and such precept shall contain a sum to be assessed and charged in respect of any such rate as is herein provided for upon a part of such parish or place as aforesaid, the said guardians may require the

Appeal against the rate, and audit of the accounts.

Mode of procuring the funds when the precept is sent to the guardians of the union

- (b) See 13 & 14 Vict. c. 101, s. 10. (d) See 13 & 14 Vict. c. 105, s. 10;  
(c) See 7 & 8 Vict. c. 101, ss. 35, 36. and 29 & 30 Vict. c. 113, s. 13.

#### PARISH PARTLY WITHIN A BOROUGH.

Sections 32, 34, and 35 of 15 & 16 Vict. c. 81, only apply to a borough exempt from contributing to the county rate. Where a parish is situated partly within a borough which is liable to contribute to the county rate, the proportion contributed by the parish to the county rate is payable out of the general funds of the whole parish, though that part which is within the borough contributes to and is watched solely by the borough police: *Reg. v. Huddersfield*, 31 L. J. M. C. 131; 1 B. & S. 961; 26 J. P. 692; 7 L. T. (N. S.) 157.

*Decision on sect. 32.*

comprising the divided place.

overseers of such parish or place to pay to their treasurer a sum of money sufficient to enable the said guardians to pay the sum so assessed, with the other sums mentioned in the said precept, to the treasurer of the county or other person lawfully authorized to receive it; and the said overseers shall pay the amount out of any monies in their possession belonging to the parish or place, or to the part of such parish or place respectively, and reimburse themselves, if necessary, by a rate, to be levied as hereinbefore described, upon the persons liable thereto, or, if they have no such monies, shall forthwith proceed to levy and collect the requisite amount by such rate, and pay the same over to the treasurer of the said guardians: provided nevertheless, that if such overseers make default, and do not make the requisite payment within the appointed time, they shall be subject to be proceeded against in like manner as the overseers of a parish wholly situated within the county are subjected to under the provisions of this Act.

Where the amount required for the county or other rate is small, the making of the rate for reimbursement may be postponed.

XXXV. That where the amount required in respect of any such county rate from any part of such parish or place as last aforesaid shall, in the judgment of such overseers, be so small as to render the levying and collecting of a separate rate for it inconvenient, the overseers may postpone the reimbursement of themselves for any such advance as aforesaid, and they or their successors may afterwards, on the recurrence of the next precept or other lawful demand, or of that next but one, levy and collect such a rate as aforesaid to raise the whole amount so previously advanced and unsatisfied out of the poor rates of the parish, as well as the amount required by the then precept or demand, and shall apply the sum so collected in reimbursement of the previous payments, and the satisfaction of such precept or demand, and shall apply the balance, if any, towards the discharge of the next precept or demand.

Mode of collection where the office of high constable has not become vacant.

XXXVI. Provided always, that in any county in which the office of high constable (a) of any hundred shall be held for life, or during good behaviour, the collection of the county rate shall continue to be collected by means of such high constable, until any vacancy occurs in the office by the expiration of his appointment, or otherwise; and the precepts hereinbefore provided for the collection of such rate shall, as to the districts within which such high constable shall act, be directed to such high constable, ordering and requiring him to issue his warrants to the respective overseers of the poor within his division, to levy, collect, and pay to the said high constable, within the time to be named and limited in the warrant to be issued from the sessions as aforesaid, all such rate or rates, assessment or assessments so ordered to be paid, which each high constable shall and he is hereby directed and required to pay, at such time as shall be specified in such warrant, to the treasurer of the county for the time being, to be applied and disposed of in such manner and for such purposes as the county stock or rate is now applicable

or may hereafter be made applicable by law; and in case any overseer or overseers of the poor, or other person appointed to act as such, under the provisions of this Act, in any of the several parishes, townships, or places, whether parochial or otherwise, within the hundred or division for which the said high constable shall act, liable to pay the same, shall neglect, make default, or refuse to pay the same, within the time to be specified and limited as aforesaid, to the high constable of the division within which such overseer or overseers or other person or persons so liable and neglecting to pay shall reside or be appointed to act, it shall and may be lawful for any justice of the peace of the said county, upon complaint thereof made by any such high constable, by warrant under the hand and seal of any such justice, to levy the same by distress and sale of the offender's goods; and the overseer or overseers of any parish, township, or place, whether parochial or otherwise, or other person or persons appointed to act as such overseer or overseers, shall and may and is and are hereby empowered to levy and raise, by an equal rate or assessment upon all and every the several estate and property rateable to the relief of the poor within their respective parishes, townships, or places, whether parochial or otherwise, such sum and sums of money as shall be required and necessary in order to raise the several sums assessed upon such parishes, townships, or places respectively, or to reimburse such overseer or overseers, or other person or persons as aforesaid such sum or sums of money as they shall respectively have paid on account of the same, such rate or assessment to be paid by the occupier or occupiers for the time being of such estates and rateable property as aforesaid.

XXXVII. That the justices of the peace of the said several counties are hereby authorized and empowered to demand and take whenever they shall think fit, good and sufficient security, to be approved of by the said justices in general or quarter sessions assembled, from the high constables employed in the collection and levying the rates; and that if any such high constable, upon being so called upon by the said justices, shall neglect or refuse to give such security as shall be approved by them, it shall then be lawful for the said justices of the peace in general or quarter sessions assembled to order and direct the churchwardens and overseers of the poor, or other persons appointed to collect and levy the rates of any parish, township, or place, to pay the quota which shall be assessed thereupon toward the county rate to the treasurer of the county, division, or place in which such parish, township, or place shall be situate; and the receipt of such treasurer shall be a sufficient discharge for the same.

XXXVIII. Whereas by an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled An Act to provide for the regulation of Municipal Corporations in England and Wales, it is thereby enacted, that the treasurer of every county in England and Wales should keep an account of all costs arising out of the prosecution, pending by

High con-  
stable to give  
security.

Mode of en-  
forcing repay-  
ment by  
borough trea-  
surers of  
money ex-

counties out of the county rates as provided by 5 & 6 Will. IV. c. 76, ss. 114 and 117. maintenance, and punishment, conveyance and transport of all offenders committed for trial to the assizes in such county from any borough in which a separate court of quarter sessions of the peace should be holden, and likewise of all sums received in aid or on account of the county rate, and expended out of the county rate for other purposes than the costs before mentioned, and should, not more than twice in every year, send a copy of the said accounts to the council of every such borough, and should make orders on the council of every such borough for the payment of the sums chargeable upon the same, and the council of such borough should forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the treasurer of such county out of the borough fund : And whereas it is expedient to provide, as near as may be, one uniform remedy to recover county rates, and the orders of the county treasurer upon the councils of boroughs from the guardians or overseers and councils of boroughs respectively, when the same are not paid within a time limited : Be it therefore enacted, that it shall and may be lawful for any two justices of the peace for the county, upon the complaint or information of the treasurer of the same county, to be made or taken one calendar month after the issue of any order or orders upon the council of any borough by the same county treasurer, to cause to be issued and sent to the treasurer of any such borough a warrant ordering such borough treasurer to pay to the treasurer of the same county, over and besides the sum or sums mentioned in the first-named order or orders, the additional sums named in such warrant, the same being calculated in the proportion of one shilling to every ten on the respective sums named in the said original order or orders ; and until payment thereof the county treasurer shall have, in respect of such warrants, all the powers for the recovery thereof, as are given against any guardian or overseer for the recovery of county rates and surcharges under and by virtue of this Act : Provided always, that nothing in this Act contained shall extend to render any such borough, or any property situated therein, liable to be assessed or to contribute to county rate, save as in the said recited Act is mentioned and contained, and as hereinbefore expressly provided.

Delivery of precepts, &c. by post, and evidence thereof.

XXXIX. Whenever precepts or warrants, as provided by this Act, are to be sent by post, the clerk of the peace shall send every such precept or warrant by post as a registered letter, according to the regulations of the postmaster general in force for the time being in that behalf ; and every precept or warrant delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered ; and if delivered or tendered to the clerk or other like officer acting for any guardians, shall be deemed to have been served on the whole of such guardians ; and if delivered or tendered

to any one overseer of a parish, shall be deemed to have been served on the whole of the overseers of such parish.

XL. The justices of the peace of counties, and ridings and divisions and parts of counties, and other places of distinct and separate jurisdiction, in that part of Great Britain called England, assembled at their several and respective general or quarter sessions of the peace, or at any adjournment thereof, shall be and they are hereby authorized and required, in any case in which any question or doubt does or shall exist or shall have arisen, or may in the judgment of the said justices be likely to arise, as concerning any boundary between any counties, ridings, divisions, or parts of any county, or other places of distinct and separate jurisdiction for which they respectively act as such justices (*a*), to nominate and appoint two justices of the peace of each such county, riding, division, or parts of any county, or other places of distinct and separate jurisdiction between which the boundary is required to be ascertained, for the purpose of fixing and determining such boundary, and the clerks of the peace, town clerks, and other proper officer of the several and respective general or quarter sessions of the peace at which such justices shall be appointed, shall forthwith give notice to each other and to such justices of such appointment, and the justices so appointed shall in every such case, as soon as may be after their appointment, meet and proceed to ascertain the boundary upon such evidence as can be obtained by them, or as they shall deem necessary for that purpose, either by examination of witnesses upon oath (which oath any one of the said justices is hereby empowered to administer), or of any maps, plans, surveys, or any other records, or documents, or in such other manner as they the said justices so appointed shall think requisite, and it shall be lawful for such justices, or for any person authorized under the hand of any three or more of such justices, to enter upon any lands, grounds, or premises, for the purpose of examining the same, or making any measurement, maps, or plans thereof, for the purposes aforesaid; and it shall be lawful for the said justices to summon any witnesses to be examined in that behalf, and to impose any penalty or forfeiture not exceeding ten pounds upon any witness who shall, without reasonable excuse, refuse or neglect to attend to be examined upon any such summons; and such justices shall thereupon fix, ascertain, and determine the boundary so referred to them to be ascertained, and shall cause the boundary so fixed and determined to be laid down on two maps or plans, to be signed by the said justices so appointed as aforesaid, which shall be deposited with the clerks of the peace, town clerks, or other proper officer for the counties, ridings, divisions, or parts of counties, or other places of distinct and separate jurisdiction between which such boundary shall be so fixed and determined,

Justices in general or quarter sessions to appoint justices to fix and determine boundaries between counties, ridings, divisions, or parts of counties, and other places of distinct and separate jurisdiction.

(*a*) See 6 & 7 Will. 4, c. 71, s. 64; 2 & 3 Vict. c. 62, ss. 34, 35; 5 & 6 1 Vict. c. 69, ss. 2, 3. See also Vict. c. 54, s. 13.

and which maps and plans shall be kept amongst the records of their respective sessions, and shall be received as evidence of such boundaries ; and such boundaries so fixed and determined shall be and be deemed the boundaries between the respective counties, ridings, divisions, or parts of counties, or other places of distinct and separate jurisdiction, for which the same shall have been so ascertained, for all the purposes of this Act, and the carrying the provisions thereof into execution, anything contained in any other Act or Acts of parliament relating to such counties, ridings, divisions, or parts of such counties, or other places of distinct and separate jurisdiction, or any law, usage, or custom to the contrary notwithstanding (b).

Appointment  
of new jus-  
tices.

XLII. If any of the four justices so appointed as aforesaid, or who shall be appointed in manner hereinafter mentioned, shall, before the execution of all the powers and authorities hereby in them respectively vested, die, decline, or refuse to act, or become incapable of acting, the justices of the peace of counties, ridings, divisions, and parts of counties, and other places of distinct and separate jurisdiction, assembled at their several and respective general or quarter sessions of the peace or at any adjournment thereof from which such justice so appointed or to be appointed shall die, decline, refuse to act, or become incapable of acting, shall and they are hereby authorized and required to appoint another justice in the room of him so dying, declining, refusing to act, or becoming incapable of acting as aforesaid, and so from time to time as often as any justice so to be appointed as last aforesaid shall die, decline, or refuse to act, or become incapable of acting ; and every justice to be appointed as aforesaid shall have the like power and authority as the justice in whose place he shall be appointed was invested with by virtue of this Act : and that notice shall be given by the clerks of the peace, town clerks, or other proper officer to such justice of his appointment, in manner hereinbefore directed (b).

In case of dif-  
ference be-  
tween justices,  
a referee to be  
appointed to  
meet them,  
and determine  
boundary.

XLIII. If it shall happen that the justices so appointed to fix, ascertain, and determine the boundaries as aforesaid shall disagree in opinion touching the boundary between any county, riding, division, or parts of any county, or other place of distinct and separate jurisdiction, so referred to them under and by virtue of this or the said recited Act, and there shall be an equality of votes, so that the said justices cannot make any determination thereon, then and in such case the said justices, or the major

(b) Sections 40 to 43, both inclusive, of this Act, are, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, Sch. 5.

#### DEFINITION OF A "COUNTY."

Decisions on  
sect. 41.

Under the circumstances of the case, it was held that the borough came within the definition of "county," in 15 & 16 Vict. c. 81, s. 51, as a liberty, and that the justices for the county at large had no jurisdiction under that Act to include the borough in the basis for the county rate: *Reg. v. East Looe*, 3 B. & S. 20 ; 31 L. J. M. C. 245 ; 8 Jur. (N. S.) 1128.

part of them, shall forthwith appoint under their hands such person as they may think proper to act as referee, which person so appointed as referee shall, within twenty-one days from the receipt of such appointment, fix a time and place to meet such justices ; and at such meeting the said person so to be appointed as referee as aforesaid shall, together with the said justices to whom any boundary shall be referred to be ascertained as aforesaid, proceed to fix, ascertain, and determine the boundary about which such disagreement shall take place amongst them the said justices in such and the same manner and with such and the like powers in all respects as hereinbefore expressed, and that the determination and decision of the said justices, and of the person whom they shall appoint as referee as aforesaid, or of the major part of them, shall be for ever binding and conclusive ; and that the said justices, and the person whom they shall appoint as referee as aforesaid, or the major part of them, shall cause the boundary so fixed and determined to be laid down on two maps or plans, to be signed by the said justices and the person so appointed as referee as aforesaid, or by the major part of them, which shall be deposited with the clerks of the peace, town clerks, or other proper officer as hereinbefore directed, and kept amongst the records of their respective sessions, and shall be received as evidence of such boundaries ; and such boundaries so fixed and determined shall be and be deemed the boundaries between the respective counties, ridings, divisions, or parts of counties, or other places of distinct and separate jurisdiction for which the same shall have been so ascertained, for all the purposes of this and of the said recited Act, and the carrying the provisions thereof respectively into execution, anything contained in any other Act or Acts of parliament relating to such counties, ridings, divisions or parts of such counties, or other places of distinct and separate jurisdiction, or any law, usage, or custom, to the contrary notwithstanding (c).

XLIII. Nothing in this Act contained, nor any proceedings under the same, shall extend or be construed to extend to determine any question of boundary for any purpose except for the purpose of assessing, collecting, and levying rates according to the provisions of this Act and of the said recited Act (c).

Not to determine boundary question, except for purposes of rating.

XLIV. No action or suit shall be brought, commenced, or prosecuted against any person or persons for anything done or to be done by virtue of or in pursuance of this Act after three calendar months next after the fact committed ; and every such action shall be brought and laid in the county where the cause of action shall have arisen, and not elsewhere ; and the defendant or defendants in every such action or suit shall and may plead, at his, her, or their election, this Act specially, or the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance or by the authority of this Act.

Limitation of actions.

(c) Sections 40 to 43, both inclusive, of this Act, are, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, Sch. 5.

Penalty on persons obstructing overseers, &c.

XLV. Every person who in any manner wilfully resists or obstructs any overseer, collector, surveyor, or other person in the execution of his or their duty under this Act shall forfeit and pay any sum not exceeding five pounds, to be prosecuted and recovered before any two or more of Her Majesty's justices of the peace for the county wherein the offence is committed.

Penalties and forfeitures, costs and charges, may be levied by distress and sale of offender's goods.

XLVI. All penalties and forfeitures by this Act authorized to be imposed for any offence against the same shall, upon proof and conviction of the offences respectively before any two justices, as hereinbefore directed, either by the confession of the party offending, or by the oath of any credible witness or witnesses (which oath such justices are hereby authorized to administer), be levied together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender, by warrant under the hands of the justices before whom the party may have been convicted, or, on proof of such conviction, by a warrant under the hands of any two justices (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner of such goods and chattels; and if upon the return of such warrant it appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justices as aforesaid, by warrant under their hands, to cause such offender to be committed to the common gaol or house of correction of the county where the offender may be or reside, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, be sooner paid and satisfied; and the said penalties and forfeitures, when recovered, shall be paid to the treasurer of the county in which such offence may have been committed or forfeiture incurred, to be applied in aid of the rates of the said county.

Committal.

Application of penalties.

Counties where rates have been regulated by particular Acts authorized to make use of the provisions of this Act.

XLVII. And whereas several Acts have passed and are now in force empowering the justices of the peace of certain counties to make fair and equal county rates within their respective counties: Be it hereby enacted that it shall and may be lawful to and for the said justices respectively, and they are hereby empowered, at any time and at all times after the passing of this Act, to proceed in the assessing, levying, and collecting and enforcing the payment of the county rate, and in all matters relating to the equalizing the same, either under the authority and according to the provisions and enactments of this Act, or under the authority and according to the provisions and enactments of the particular Acts affecting their respective counties, as to them shall seem fit and proper, in all cases in which the provisions and enactments of this Act are not inconsistent with the provisions and enactments of such particular Acts.

XLVIII. That from and after the passing of this Act all business appertaining to the assessment, application, or management of the county stock or rate, or of any fund or funds used or applied in aid thereof or contributory thereto, or to any matter or or things whereby or in respect whereof the said county stock or rate is or may be chargeable by law, which by any statute or statutes now in force the justices of the peace for that part of Great Britain called England are authorized and directed to do and transact at the general or quarter sessions, or at any adjournment thereof, shall be done and transacted publicly and in open court at such general or quarter sessions, or adjournment thereof, and not otherwise; and that no order of such justices relating to the matters aforesaid shall be binding or effectual unless the said order shall have been made and the business relating thereto shall have been done and transacted publicly and in open court as aforesaid.

All business relating to the assessment and application of county rate shall be transacted in open court.

XLIX. That public notice shall be given, in two newspapers generally circulating in the county, of the time of holding the general or quarter sessions, or any adjournment thereof, at least two weeks before the time of holding the same, and also of the day and hour at which the business relating to the assessment, application, or management of the county stock or rate will commence at such sessions.

Notice thereof to be given.

L. That the several treasurers of counties or of divisions of counties shall and they are hereby required, on or before the first day of January in every year, to send to the several clerks of the guardians of every union of parishes within the county or division of the county, and also to publish, in one or more of the newspapers usually circulating in the county or division of the county in which they respectively act, a true and accurate abstract of the account of their receipts and expenditures, under their several heads, for the year ending on the twenty-ninth day of September immediately preceding the publication of such abstract, signed by the justices of the peace who shall have audited the same; and the abstracts of such accounts, made out according to a form to be settled by one of Her Majesty's principal secretaries of state, shall, after they have been submitted to and approved by the several courts of quarter sessions respectively, be transmitted by the clerks of the peace of the respective counties or divisions of counties to such secretary of state; and a copy of every such abstract shall be laid before both Houses of Parliament within six weeks after the receipts of the same by such secretary of state, if parliament be then sitting, or if parliament be not sitting, then within six weeks of the meeting thereof.

Treasurers of counties or of divisions of counties to publish once in every year an abstract account of their receipts and expenditures.

LI. In the construction of this Act the word "county" shall mean and include any riding or division having a separate commission of the peace, or separate county treasurer, and any liberty, franchise, or other place in which rates in the nature of county rates may be levied, having a separate commission of

The Act extended to all places having separate commission of the peace, and to

all rates of  
the nature of  
county rates.

the peace, and not subject to the jurisdiction of the county or counties at large in which such liberty, franchise, or place may lie, nor contributing or paying to the county rates made for such county or counties at large; and that the words "county rate" shall mean and include every rate or tax assessed in any county or any division of a county as aforesaid for all or any of the purposes to which county rate or stock is or may hereafter be made liable (a).

Construction  
of the words  
"parish,"  
"union,"  
"guardians."

LII. The word "parish" shall be construed to include any township, vill, or place maintaining its own poor, whether parochial or extra-parochial (b), or any part of a parish, township, vill, or other place for which a separate poor rate may be made; the word "union" shall be construed to mean and include any number of parishes united under the Act passed in the fifth year of the reign of His late Majesty King William the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in England," or under an Act passed in the twenty-second year of the reign of His late Majesty King George the Third, "for the better Relief and Employment of the Poor," or under any local Act; and the word "guardians" shall mean and include any board of guardians acting under the provisions of the said Act passed in the fifth year of His late Majesty King William the Fourth, and empowered to relieve the poor of any parish or union, and the visitors, guardians, directors, managers, acting guardians, vestrymen, or other officers in a union appointed to act in the ordering of relief of the poor from the poor rate under any general or local Act of parliament; and the word "hundred" shall mean and include any hundred, wapentake, ward, or other district in the nature of a hundred by whatever name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of                    }  
to wit.                    } To the Guardians of the                    Union.

THESE are to require you the guardians of the                    union, from and out of the monies paid into the hands of the treasurer of your union for the uses and purposes of the said union, to pay or cause to be paid, on or before the day of                    into the hands of A. B., treasurer, of the said county, appointed to receive the same, the sum of                    being the amount of the several and respective sums of money hereunder set down and expressed opposite to and against the names of the several parishes, townships, or places comprised within your said union, the said several sums being respectively charged

(a) See 22 & 23 Vict. c. 33.  
(b) See 20 Vict. c. 19, s. 1; and 29 & 30 Vict. c. 113, s. 18.

and assessed thereon as the proportion of the several parishes, townships, or places towards the general county rate, at in the pound, made at the last quarter sessions [or general sessions] of the peace held at in and for the said county.

[Signature of the Clerk of the Peace.]

Names of Parishes.	County Rate, at in the Pound.		
	£	s.	d.

15 & 16 VICT. CHAP. 85.

AN ACT to amend the Laws concerning the Burial of the Dead in the Metropolis (c). [1st July, 1852.]

\* \* \* \* \*

XIX. The expenses incurred or to be incurred by the burial board of any parish in carrying this Act into execution shall be chargeable upon and paid out of the rates for the relief of the poor of such parish; the expenses to be so incurred for or on account of any parish in providing and laying out a burial ground under this Act, and building the necessary chapel or chapels thereon not to exceed such sum as the vestry shall authorize to be expended for such purpose; and the overseers or other officers authorized to make and levy rates for the relief of the poor in any parish shall, upon receipt of a certificate under the hands of such number of members of the burial board as are authorized to exercise the powers of the board of the sums required from time to time for defraying any such expenses as aforesaid, pay such sums out of the rates for the relief of the poor as the board shall direct.

Expenses to be paid out of the poor's rate.

XX. Provided always, that it shall be lawful for the board, with the sanction of the vestry and the approval of the commissioners of Her Majesty's Treasury, to borrow any money required for providing and laying out any burial ground under this Act, and building a chapel or chapels thereon, or any of such purposes, and to charge the future poor rates of the parish with the payment of such money and interest thereon;

Power to borrow money, with sanction of vestry, and approval of treasury.

(c) The provisions of this Act are extended to parishes generally by the 17 & 18 Vict. c. 87; and 18 & 19 Vict. c. 128, in Glen's Burial Board 16 & 17 Vict. c. 134, s. 7. See also Acts, third edition.

provided that there shall be paid in every year, in addition to the interest of the money borrowed and unpaid, not less than one-twentieth of the principal sum borrowed, until the whole is discharged (a).

\* \* \* \* \*

Monies raised, and the income arising from burial ground, to be applied towards defraying expenses.

XXII. The money raised for defraying such expenses and the income arising from the burial ground provided for the parish, except fees payable to the incumbent, clerk, and sexton of the parish, and the other fees herein directed to be otherwise paid, shall be applied by the board in or towards defraying the expenses of such board under this Act; and whenever, after repayment of all monies borrowed for the purposes of this Act in or for any parish, and the interest thereof, and after satisfying all the liabilities of the board with reference to the execution of this Act in or for the parish, and providing such a balance as shall be deemed by the board sufficient to meet their probable liabilities during the then next year, there shall be at the time of holding the meeting of the vestry, at which the yearly report of the auditors shall be produced any surplus money at the disposal of the board, they shall pay the same to the overseers, in aid of the rate for the relief of the poor of the parish.

Vestries of parishes may concur in providing a burial ground for the common use of such parishes.

XXIII. The vestries of any parish which shall have respectively resolved to provide burial grounds under this Act may concur in providing one burial ground for the common use of such parishes in such manner, not inconsistent with the provisions of this Act, as they shall mutually agree, and may agree as to the proportions in which the expenses of such burial ground shall be borne by such parishes, and the proportion for each of such parishes of such expenses shall be chargeable upon and paid out of the monies to be raised for the relief the poor of the same respective parish accordingly; and, according and subject to the terms which shall have been so agreed on, the burial boards appointed for such parishes respectively shall, for the purpose of providing and managing such one burial ground, and taking and holding land for the same, act as one joint burial board for all such parishes, and may have a joint office, clerk, and officers, and all the provisions of this Act shall apply to such joint burial board accordingly; and the accounts and vouchers of such board shall be examined and reported on by the auditors of each of such parishes; and the surplus money at the disposal as aforesaid of such board shall be paid to the overseers of such parishes respectively in the same proportions as those in which such parishes shall be liable to such expenses.

\* \* \* \* \*

Burial board may, with approval of

XXIX. Provided always, that any burial board under this Act, with the approval of the vestry and of the guardians of the poor of the parish (if any), and of the poor law board, may

from time to time appropriate for the purposes of a burial ground for such parish, either alone or jointly with any other parish or parishes, any land vested in such guardians, or in the churchwardens, or in the churchwardens and overseers of the parish, or in any feoffees, trustees, or others for the general benefit of the parish, or for any specific charity: Provided always, that where any land so taken and appropriated shall be subject to any charitable use, such lands shall be taken on such conditions only as the Court of Chancery in the exercise of its jurisdiction over charitable trusts shall appoint and direct.

vestry, &c. appropriate land belonging to parish.

\* \* \* \* \*

XXXII. From and after the consecration as aforesaid of any burial ground provided under this Act (except any portion thereof intended not to be so consecrated), or where all or any part of such burial ground, by reason of the same having been already consecrated, shall not require to be consecrated, then from and after such time as the bishop of the diocese shall appoint, such burial ground shall be deemed the burial ground of the parish for which the same is provided, and where the same is provided for two or more parishes such burial ground shall be in law as if such parishes were one parish, and as if such burial ground were the burial ground of such one parish; and every incumbent or minister of the parish or of each of the parishes (as the case may be) for which such burial ground is provided shall, by himself and his curate, or such duly qualified persons as such incumbent or minister may authorize, perform the duties and have the same rights and authorities for the performance of religious service in the burial in such burial ground, or in the consecrated portion thereof, of the remains of parishioners or inhabitants of the parish of which he is such incumbent or minister, and shall be entitled to receive the same fees in respect of such burials which he has previously enjoyed and received; and the clerk and sexton of such parish or of each of such parishes shall (when necessary) perform and exercise the same duties and functions in respect of the burial of the remains of parishioners or inhabitants of the parish of which he is clerk or sexton in such burial ground or the consecrated portion thereof, and shall be entitled to receive the same fees on such burials as he has previously performed and exercised and received as if such burial ground were the burial ground of the respective parish of such incumbent or minister, clerk and sexton respectively; and the parishioners and inhabitants of such parish or of each of such parishes shall have the same rights of sepulture in such burial ground as they respectively would have had in the burial ground or burial grounds in and for their respective parish, subject nevertheless to the provisions herein contained (b).

Burial ground to be the burial ground of the parish or parishes for which it is provided.

\* \* \* \* \*

XLII. It shall be lawful for any burial board, with the approval of the vestry, and subject to the provisions of this Act, provided for

Places may be

(b) See 7 & 8 Vict. c. 101, s. 31.

reception of  
bodies until  
interment.

and the regulations to be made thereunder, and for the churchwardens and overseers of the poor of any parish in the metropolis for which a burial board shall not have been appointed under this Act, by the direction of the vestry, and subject as aforesaid, to hire, take on lease, or otherwise to provide fit and proper places in which bodies may be received and taken care of previously to interment, and to make arrangements for the reception and care of the bodies to be deposited therein, and for providing such places such burial boards may exercise the powers vested in them under this Act for providing burial grounds; and such churchwardens and overseers may exercise all such powers as, under the Act of the fifty-ninth year of King George the Third, chapter twelve, or otherwise, the churchwardens and overseers of any parish not having a workhouse might exercise for providing a workhouse for such parish.

\* \* \* \* \*

Limiting the  
compensation  
fee to be pay-  
able on pauper  
burials in  
cemeteries.

XLIX. Where any body is buried in any of the cemeteries mentioned in Schedule (B.) to this Act, at the expense of any union or parish, the fee or sum to be paid or payable on the interment of such body, or otherwise in respect thereof, to the incumbent of the parish or ecclesiastical district from which such body is removed for interment, shall not exceed the sum of one shilling, or where the incumbent now receives in respect of the like burial in the ground of his parish more than one shilling shall not exceed the sum so now received, and in no case shall exceed two shillings and sixpence; and no other fee or sum whatsoever shall be payable in respect of such interment, to or for the use of any person as an officer of such parish or district, or for or on behalf of such parish or district, anything in any Act mentioned in the said Schedule (B.) or any other Act notwithstanding (a).

\* \* \* \* \*

## 16 & 17 VICT. CHAP. 41.

AN ACT for making further provisions with respect to Common  
Lodging Houses. [4th August, 1853.]

“WHEREAS it is expedient to extend the provisions of ‘The Common Lodging Houses Act, 1851;’ Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title.

I. This Act may be cited for any purpose as “The Common Lodging Houses Act, 1853.”

Recited Act  
and this Act to  
be as one.

II. The Common Lodging Houses Act, 1851, and this Act shall be construed and executed as if they were one Act (b).

(a) See 7 & 8 Vict. c. 101, s. 31; and 16 & 17 Vict. c. 134, s. 7.

(b) See 14 & 15 Vict. c. 28.

III. After three months after the passing of this Act a person shall not keep a common lodging house or receive a lodger therein until the house have been inspected and approved for that purpose by some officer appointed in that behalf by the local authority, and have been registered as by the recited Act provided ; and a person shall not keep a common lodging house unless his name as the keeper thereof be entered in the register kept under the recited Act: Provided always, that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging house for not more than four weeks after his death without being registered as the keeper thereof.

All common lodging houses to be registered before being used, and to be kept only by registered keepers.

IV. The local authority may refuse to register as the keeper of a common lodging house a person who does not produce to the local authority a certificate of character in such form as the local authority shall direct, signed by three inhabitant householders of the parish respectively rated to the relief of the poor of the parish within which the lodging house is situate for property of the yearly rateable value of six pounds or upwards.

Local authority may refuse to register houses if keepers do not produce certificate of character.

V. A copy of an entry made in a register kept under the recited Act, certified by the person having the charge of the register to be a true copy, shall be received in all courts and before all justices and on all occasions whatsoever as evidence, and be sufficient proof of all things therein registered, without production of the register or of any document, act, or thing on which the entry is founded ; and every person applying at a reasonable time shall be furnished *gratis* by the person having such charge with a certified copy of any such entry.

Evidence of register.

VI. Where it appears to the local authority that a common lodging house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority may by notice in writing require the owner or keeper of the common lodging house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be not complied with accordingly, the local authority may remove the common lodging house from the register until it be complied with.

Power to local authority to require an additional supply of water to common lodging houses.

VII. When a person in a common lodging house is ill of fever or any infectious or contagious disease the local authority may cause such person to be removed to an hospital or infirmary, with the consent of the authorities thereof, and on the certificate of the medical officer of the parish, place, or district that the disease is infectious or contagious, and that the patient may be safely removed, and may, so far as the local authority think requisite for preventing the spread of disease, cause any clothes or bedding used by such person to be disinfected or destroyed, and may, if the local authority think fit, award to the owners of the clothes and bedding so disinfected or destroyed reasonable compensation for the injury or destruction thereof, and such

As to removal of sick persons from common lodging houses to hospitals, &c.

compensation shall be paid to such owners by the proper officer of the parish or union in which the common lodging house is situate, out of the rates applicable to the relief of the poor of such parish, the amount of such compensation being first certified in writing upon a list of such articles (*a*).

Power to order reports from keepers of common lodging houses kept for beggars and vagrants.

VIII. The keeper of a common lodging house in which beggars or vagrants are received to lodge, or other person having the care or management thereof, shall, from time to time, if required by any order of the local authority, served on such keeper or person, report to the local authority, or to such person or persons as the said local authority shall direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the persons so ordered to report, which schedules they shall fill up with the information required, and transmit to the local authority.

Power to town councils, &c. to remove causes of complaint certified under Nuisances Removal, &c. Act.

IX. The town council, trustees, commissioners, guardians, and other officers and boards specified in the first section of the "Nuisances Removal and Diseases Prevention Act, 1848," shall, on the receipt of a certificate of any police constable or of any officer appointed for the inspection of common lodging houses by the local authority, stating the existence in or about any common lodging house of any of the causes of complaint specified in that section, take all such proceedings as by that section are required to be taken by the town council, trustees, commissioners, guardians, and other officers and boards specified therein on a notice signed by two inhabitant householders, and in like manner as nearly as may be as if such notice had been given; and the local authority shall have the like powers, and shall take all such proceedings, on receipt of any such certificate of the existence of any such cause of complaint, as the town council, trustees, commissioners, guardians, and other officers or boards have and are empowered and required to take under the provisions of that Act (*b*).

The Oxford commissioners and the Cambridge commissioners to act as the local authority under this Act.

X. Provided always, notwithstanding any provision contained in this Act, that within the city of Oxford, or the parts within the jurisdiction of the commissioners for amending certain mileways leading to Oxford, and making improvements in the university and city of Oxford, the suburbs thereof, and the adjoining parish of Saint Clement (which commissioners are hereinafter called the Oxford Commissioners), the several powers and duties assigned by this Act to any local authority shall, in so far as they are consistent with the laws under which the said Oxford commissioners act, be exercised by the said Oxford commissioners; and within the borough of Cambridge, or the parts within the jurisdiction of the commissioners acting under an Act of the thirty-fourth year of the reign of King George the Third, for amending and enlarging the powers of a former Act of the same reign, for the better paving, cleansing, and lighting the

town of Cambridge, for removing and preventing obstructions and annoyances, and for widening the streets, lanes, and other passages within that town (which commissioners are hereinafter called the Cambridge Commissioners), the several powers and duties aforesaid shall, in so far as they are consistent with the laws under which the said Cambridge commissioners act, be exercised by the Cambridge commissioners.

XI. The fourteenth section of the recited Act extends to offences against any of the provisions of this Act, so as to render the offenders liable to the penalties therein expressed, and any person convicted of any offence against the recited Act and this Act, or either of them, may, in default of payment of the penalty imposed, be imprisoned for any term not exceeding three months in the manner provided by law in that behalf. As to offences against this Act.

XII. Where a keeper of a common lodging house, or a person having or acting in the care or management of a common lodging house, is convicted of a third offence against the recited Act and this Act, or either of them, the justices before whom the conviction for such third offence takes place may, if they think fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the justices think fit, keep or have or act in the care or management of a common lodging house without the previous licence in writing of the local authority, which licence the local authority may withhold or may grant on such terms and conditions as they think fit. Conviction for third offence to disqualify persons from keeping common lodging houses.

XIII. In a case in which there are not petty sessions for a place fifthly mentioned in section three of the recited Act, that Act and this Act may be executed within and for all and any part of such place by the justices of the peace acting in petty sessions in the petty sessional division within which such place is comprised. Acts may be executed by justices at petty sessions.

XIV. Where in any place the recited Act and this Act are executed by justices in petty sessions, the expenses of and incident to the executing of the recited Act and this Act with respect to such petty sessional division shall be borne by and paid out of the rates for the relief of the poor of the several parishes or other places comprised therein in which any common lodging house is situate (except so far as there are other monies applicable to the purpose), and the amount of such expenses shall be ascertained and apportioned by such justices, and shall be paid accordingly as they order. As to expenses of executing Act by justices.

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## 16 &amp; 17 VICT. CHAP. 59.

AN ACT to repeal certain Stamp Duties, and to grant others in lieu thereof, to amend the Laws relating to Stamp Duties, and to make perpetual certain Stamp Duties in Ireland.

[4th August, 1853.]

Exemption of  
excise officers  
from serving  
public offices  
extended to  
officers of in-  
land revenue.

\* \* \* XVII. \* \* \* No officer or person appointed by the commissioners of inland revenue, or employed by them, or under their authority or direction in any way relating to any of the duties under their care or management, shall, so long as he shall continue in and exercise such last-mentioned office or employment, be compelled to serve as mayor or sheriff, or in any of the offices, employments, or capacities in the said Act (a), and hereinbefore in that behalf mentioned.

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## 16 &amp; 17 VICT. CHAP. 65.

AN ACT to amend the Acts for the Regulation of Parish Vestries.  
[15th August, 1853.]

58 Geo. 3, c. 69. "WHEREAS an Act was passed in the fifty-eighth year of the reign of King George the Third, intituled 'An Act for the Regulation of Parish Vestries,' by which it was enacted, 'that no person who shall have refused or neglected to pay any rate for the relief of the poor, which shall be due from and shall have been demanded of him, shall be entitled to be present in any vestry of the parish for which such rate shall have been made until he shall have paid the same:' And whereas by another Act passed in the fifty-ninth year of the reign of King  
59 Geo. 3, c. 85. George the Third, intituled 'An Act to amend and correct an Act of the last Session of Parliament, for the Regulation of Parish Vestres in England,' it is enacted 'that no person who shall have refused or neglected to pay any rate for the relief of the poor, which shall be due from and shall have been demanded of him, shall be entitled to vote, or to be present in any vestry of the parish for which such rate shall have been made, until he shall have paid the same, nor shall any such clerk, secretary, steward, or agent be entitled to be present or to vote nor shall be present or vote at any vestry in such parish unless all rates for the relief the poor, which shall have been assessed and charged upon or in respect of the annual rent, profit, or value in right of which any such clerk, secretary, steward, or agent shall claim to be present and vote, which shall be due and which shall have been demanded at any time before the meeting of such vestry, shall have been paid and satisfied:' And it is expe-

(a) See 7 & 8 Geo. 4, c. 53, s. 11.

dient to make further regulations as to the payment of rates to qualify persons to be present and vote at vestry meetings in England and Wales ;” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

I. From and after the passing of this Act no person shall be required, in order to be entitled to vote or be present at any vestry meeting held under the provisions of the said Acts of the fifty-eighth and fifty-ninth years of King George the Third, to have paid any rate for the relief of the poor of the parish in which such meetings shall be held, which shall have been made or become due within three calendar months immediately preceding such vestry meeting (b).

Rates which have become due less than 3 months previous to a vestry meeting not required to be paid before voting.

### 16 & 17 VICT. CHAP. 70.

AN ACT for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by inquisition, and their Estates.  
[15th August, 1853.]

\* \* \* \* \*

CXX. Where it is made to appear to the lord chancellor intrusted as aforesaid that the net amount or net estimated value of the property of a lunatic does not exceed the sum of five hundred pounds sterling, and it appears to him, having regard to the situation and condition in life of the lunatic and his family, and the other circumstances of the case, to be expedient that the amount or value of his property should be made available for his maintenance in a direct and inexpensive manner, and that the same can be safely and properly done, he may, instead of proceeding to order a grant of the custody of the estate, order or allow that the amount of the property, if in money or stock, or if of any other description the produce thereof when realized, be paid or transferred to such relative of the lunatic, or such other person as he may think proper to intrust with the application thereof, to be by him applied in or towards the maintenance of the lunatic, either at his discretion or in such manner and subject to such control as the lord chancellor intrusted as aforesaid may direct ; and for the purpose of giving effect to any such order, the lord chancellor intrusted as aforesaid may order any small real estate or other property of the lunatic to be sold, and a valid conveyance or transfer thereof to be executed or made by such person as he shall direct (c).

Where property very small, lord chancellor may apply same directly for lunatic’s maintenance without grant, &c.

\* \* \* \* \*

(b) See 58 Geo. 3, c. 69, s. 5 ; and 59 Geo. 3, c. 85, s. 3.  
(c) See 7 & 8 Vict. c. 101, s. 27 ; 16 & 17 Vict. c. 97, ss. 94, 104 ; and 25 & 26 Vict. c. 86, s. 12.

## 16 &amp; 17 VICT. CHAP. 79.

AN ACT for making sundry Provisions with respect to Municipal Corporations in England. [15th August, 1853.]

\* \* \* \* \*

As to matters required to be done by overseers under 5 & 6 Will. 4, c. 76.

XIV. Every matter by that Act of the sixth year of William the Fourth, or by any Act amending the same, directed to be done by the overseers of the poor of any parish, township, or place, may be lawfully done by the major part of such overseers; and whenever any notice is by that Act, or any Act amending the same, required to be given to the overseers of the poor of any parish, township, or place, such notice may be delivered to any one of such overseers, or may be left at his place of abode or at his office for transacting parochial business.

\* \* \* \* \*

## 16 &amp; 17 VICT. CHAP. 96.

AN ACT to amend an Act passed in the Ninth Year of Her Majesty, "for the Regulation of the Care and Treatment of Lunatics." [20th August, 1853.]

\* \* \* \* \*

Paupers not to be received without a certain order and certificate.

VII. Save where otherwise provided or authorized under any Act, no pauper shall be received into any licensed house or any hospital without an order according to the form in Schedule (B.), No. 1, annexed to this Act, under the hand of one justice, or under the hands of an officiating clergyman, and the relieving officer or one of the overseers of the union or parish from which such pauper shall be sent, together with such statement of particulars as is contained in the same Schedule, nor without the medical certificate, according to the form in Schedule (B.), No. 2, annexed to this Act, of a physician, surgeon, or apothecary, who shall have personally examined the pauper to whom it relates not more than seven clear days previously to his reception; and every person who shall receive any pauper into any such house or hospital as aforesaid (save where otherwise provided or authorized under any Act), without such order and medical certificate as last aforesaid shall be guilty of a misdemeanor: Provided always, that this enactment shall not by implication or otherwise give any power or authority to make such order, or extend, alter, or affect any power or authority expressly given by any Act to any justice, officiating clergyman, relieving officer, or overseer to make or join in making any such order, or any provisions giving or relating to such power or authority.

\* \* \* \* \*

IX. If any superintendent, officer, nurse, attendant, servant, or other person employed in any registered hospital or licensed house, or any person having the care or charge of any single patient, or any attendant of any single patient, in any way abuse, or ill-treat, or wilfully neglect any patient in such hospital or house, or such single patient, or if any person detaining, or taking or having the care or charge, or concerned or taking part in the custody, care, or treatment, of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, he shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, or to forfeit for every such offence, on a summary conviction thereof before two justices, any sum not exceeding twenty pounds.

Penalty on officers, &c. ill-treating lunatics.

X. Every physician, surgeon, and apothecary signing any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind, and distinguish in such certificate facts observed by himself from facts communicated to him by others; and no person shall be received into any registered hospital or licensed house, or as a single patient, under any certificate which purports to be founded only upon facts communicated by others.

Medical certificate to specify facts upon which opinion of insanity has been formed.

XI. If after the reception of any lunatic it appear that the order or the medical certificate, or (if more than one) both or either of the medical certificates, upon which he was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person signing the same at any time within fourteen days next after the reception of such lunatic: Provided nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of one or more of the commissioners.

Orders and medical certificates may be amended.

XII. No physician, surgeon, or apothecary who, or whose father, brother, son, partner, or assistant, is wholly or partly the proprietor of, or a regular professional attendant in, a licensed house or a hospital, shall sign any certificate for the reception of a patient into such house or hospital; and no physician, surgeon, or apothecary shall himself, or by his servants or agents, receive to board or lodge in any unlicensed house, or take the charge or care of any person upon or under any medical certificate signed by himself or his father, brother, son, partner, or assistant, and no physician, surgeon, or apothecary having (either before or after the passing of this Act) signed any

Who not to sign certificates, &c.

#### ILL-TREATING LUNATICS—EXTENT OF ACT.

The provisions of 16 & 17 Vict. c. 96, s. 9, do not apply to persons whose care or charge of lunatics arises from natural duty only: *Reg. v. Rundle*, 1 Dear. C. C. R. 482; 1 Jur. (N. S.) 430. *Decision on sect. 9.*

certificate for the reception of any person shall be the regular professional attendant of such person while under care or charge under such certificate ; and no physician, surgeon, or apothecary who, or whose father brother, son, partner, or assistant, shall sign the order hereinbefore required for the reception of a patient, shall sign any certificate for the reception of the same patient.

A medical man giving false certificates, &c., and a person not being a medical man giving certificates as such, guilty of a misdemeanor.

XIII. Any physician, surgeon or apothecary who shall sign any certificate, or do any other act (not declared to be a misdemeanor) contrary to any of the provisions herein contained, shall for every such offence forfeit any sum not exceeding twenty pounds ; and any physician, surgeon, or apothecary who shall falsely state or certify anything in any certificate under this Act, and any person who shall sign any certificate under this Act in which he shall be described as a physician, surgeon, or apothecary, not being a physician, surgeon, or apothecary respectively within the meaning of this Act, shall be guilty of a misdemeanor.

\* \* \* \* \*

On recovery of a patient notice to be given to friends, and in the case of a pauper to guardians, &c., and in default of discharge or removal, to commissioners and visitors.

XIX. The superintendent or proprietor of every registered hospital and licensed house, and every person having the care or charge of any single patient, shall forthwith, upon the recovery of any patient in such hospital or house, or of such single patient, transmit notice of such recovery in the case of a patient not a pauper to the person who signed the order for his reception, or by whom the last payment on account of such patient was made, and in the case of a pauper to the guardians of his union or parish, or if there be no such guardians to one of the overseers of the poor of his parish, or if such pauper be chargeable to any county to the clerk of the peace thereof, and in case such patient be not discharged or removed within fourteen days from the giving of such notice, such superintendent, proprietor, or person as aforesaid shall immediately after the expiration of such period transmit notice of the recovery of such patient to the commissioners, and also, in the case of a licensed house within the jurisdiction of any visitors, to the clerk of such visitors, with the date of the notice firstly in this enactment mentioned, and where notice is so given to the clerk of any visitors he shall forthwith communicate the same to the visitors, or two of them, one of whom shall be a physician, surgeon, or apothecary ; and in case of the death of any patient in any hospital or licensed house, a statement setting forth the time and cause of the death, and the duration of the disease of which such patient died, shall be prepared and signed by the medical person or persons who attended the patient during the illness which terminated in death, and such statement shall be entered in the " Case Book," and a copy of such statement, certified by the superintendent or proprietor, shall, within two days of the date of the death, be transmitted to the coroner for the county or borough, and in case such coroner, after receiving such state-

Provision in case of death of patient in any hospital or licensed house.

ment, shall think that any reasonable suspicion attends the cause and circumstances of the death of such patient, he shall summon a jury to inquire into the cause of such death.

\* \* \* \* \*

XXVIII. Section one hundred and eleven of the said recited Act shall be repealed, and any one or more of the commissioners shall and may on such day or days, and at such hours in the day, and for such length of time as he or they shall think fit, visit all such parish and union workhouses in which there shall be or be alleged to be any lunatic, as the commissioners shall by any resolution or resolutions of the board direct, and shall inquire whether the provisions of the law as to lunatics in such parish or union have been carried out, and also as to the dietary, accommodation, and treatment of the lunatics in such workhouses, and shall report in writing thereon to the poor law board.

Repeal of section 111 of recited Act, and provision as to visitation of workhouses.

XXIX. It shall be lawful for the commissioners, where, for any reasons to be entered upon the minutes of the board, any case appears to them specially to call for immediate investigation, to authorize and direct, by an order under their common seal, any competent person or persons to visit and examine and report to them upon the mental and bodily state and condition of any lunatic or alleged lunatic in any asylum, hospital, or licensed house, or of any pauper lunatic in a workhouse or elsewhere, or of any lunatic or alleged lunatic under the care or charge of any person as a single patient, and to inquire into and report upon any matters into which the commissioners are authorized to inquire; and every such person shall, for the special purposes mentioned in such order, have all the powers of a commissioner; and the commissioners may allow to every such person a reasonable sum for his services and expenses, such sum to be paid in manner provided by the said recited Act with regard to expenses incurred by or under the authority of the commissioners in proceedings thereunder; but this enactment shall not be taken to exonerate the commissioners from the performance of any duty by law imposed on them.

Commissioners may in any special case employ persons to make the necessary inquiries, and report to them thereon.

\* \* \* \* \*

XXXIII. The provision in section one hundred and thirteen of the said recited Act, for and concerning the payment for attendance and trouble of any person (not being a commissioner) employed under that enactment, and of the travelling or other expenses of any person so employed, and as to the fund out of which such payment is to be made, shall extend and be applicable to and in the case of any person (not being a commissioner) required to visit and examine any lunatic or supposed lunatic under section one hundred and twelve of the said recited Act.

Provision for payment of persons employed to inspect places where lunatics are confined extended to persons visiting under 8 & 9 Vict. c. 100, s. 112.

XXXIV. Any person who wilfully obstructs the commissioners or any of them, or any other person authorized by an order in writing under the hand of the lord chancellor or Her

Penalty on persons obstructing exe-

cution of orders of lord chancellor or secretary of state, made under ss. 112 or 113 of recited Act or of commissioners made under this Act.

Majesty's principal secretary of state for the home department, pursuant to the provisions of section one hundred and twelve or one hundred and thirteen of the said recited Act, to visit and examine any lunatic or supposed lunatic, or to inspect or inquire into the state of any asylum, hospital, gaol, house, or place wherein any lunatic or person represented to be lunatic is confined or alleged to be confined, in the execution of such order, and any person who wilfully obstructs any person authorized under this Act by any order of the commissioners to make any visit and examination or inquiry in the execution of such order, shall (without prejudice to any proceedings, and in addition to any punishment to which such person obstructing the execution of such order would otherwise be liable), forfeit for every such offence any sum not exceeding twenty pounds.

\* \* \* \* \*

Interpretation of terms.

XXXVI. In the construction of the said recited Act and of this Act the words "physician," "surgeon," and "apothecary" shall respectively mean a physician, surgeon, and apothecary duly authorized or licensed to practise as such by or as a member of some college, university, company, or institution legally constituted and qualified to grant such authority or license in some part of the United Kingdom, or having been in practice as an apothecary in England or Wales, on or before the first day of August one thousand eight hundred and fifteen, and being in actual practice as such physician, surgeon, or apothecary; the expression "officiating clergyman of the parish" shall include the chaplain of the workhouse of the same parish, or of the workhouse of the union to which such parish belongs; the expression "single patient" shall mean any person received or taken charge of as a lunatic under section ninety of the said recited Act, or under such section as amended by this Act; and the expression "attendant" shall mean any person, whether male or female, who shall be employed either wholly or partially in the personal care, control, or management of any lunatic in any registered hospital or licensed house, or of any single patient; and in the construction of this Act the word "board," as used in relation to the commissioners in lunacy, shall mean any three or more of the commissioners assembled at a meeting convened in pursuance of section sixteen of the said recited Act, or holden under any order or rule for the time being in force made under section seventy of the said recited Act for regulating the duties of the commissioners.

Recited Act and this Act to be construed as one Act, &c.

XXXVII. The said recited Act and this Act shall be construed together as one Act, and a Queen's printers copy of this Act shall be bound up in the "visitors book" of every hospital and licensed house together with the said recited Act.

Act not to affect provisions relating to criminal lunatics,

XXXVIII. Nothing in this Act shall affect the provisions of any of the following Acts; (that is to say,) an Act of the session holden in the thirty-ninth and fortieth years of King George the Third, chapter ninety-four; an Act of the session

holden in the first and second years of Her Majesty, chapter four-  
 teen; and an Act of the session holden in the third and fourth years  
 of Her Majesty, chapter fifty-four, or any other provisions con-  
 cerning criminal lunatics, save as hereinafter provided; (that is  
 to say), it shall be lawful for one of Her Majesty's principal  
 secretaries of state to issue his warrant to remove or discharge  
 any insane person who shall be in custody under the provisions  
 of the said Act of the third and fourth years of Her Majesty,  
 chapter fifty-four, provided it shall be duly certified to such  
 secretary of state, by two physicians or surgeons, that such  
 insane person was harmless and might be discharged from re-  
 straint as an insane person without danger to himself or to  
 others, in like manner as if it had been certified to such secre-  
 tary of state that such person had become of sound mind,  
 anything in the said Act or any other Act to the contrary  
 thereof in anywise notwithstanding.

39 & 40 Geo.  
 III. c. 94;  
 1 & 2 Vict.  
 c. 14; and  
 3 & 4 Vict.  
 c. 54, save as  
 herein pro-  
 vided.

\* \* \* \*

#### SCHEDULES to the foregoing Act.

\* \* \* \*

#### SCHEDULE (B.), No. 1, Section 7.

##### *Order for the Reception of a Pauper Patient.*

I, *C. D.* [*or, in the case of a clergyman and relieving officer, &c., we, C. D. and E. F.*], the undersigned, having called to my [*or our*] assistance a physician, [*or surgeon, or apothecary, as the case may be,*] and having personally examined *A. B.*, a pauper, and being satisfied that the said *A. B.* is a lunatic [*or an idiot, or a person of unsound mind*], and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A. B.* as a patient into your house [*or hospital*]. Subjoined is a statement respecting the said *A. B.*

(Signed) *C. D.*

A justice of the peace for the county,  
 city, or borough of  
 [*or an or the officiating clergyman*  
 of the parish of           ].

(Signed) *E. F.*

The relieving officer of the union or  
 parish of           [*or an overseer*  
 of the parish of           ].

Dated the           day of           one thousand eight  
 hundred           .

To           proprietor [*or superintendent*] of  
 [*describing the house or hospital.*]

## Statement.

[If any Particulars in this Statement be not known, to be so stated.]

Name of patient, and Christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any).

The religious persuasion, as far as known.

Previous place of abode.

Whether first attack.

Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Parish or union to which the lunatic is chargeable.

Name and Christian name and place of abode of nearest known relative of the patient, and degree of relationship (if known).

I certify that, to the best of my knowledge, the above particulars are correctly stated.

(Signed)

Relieving officer [or overseer].

## SCHEDULE (B.), No. 2, Sections 7, 10, 11, 12, 13.

### Form of Medical Certificate.

I, the undersigned [*here set forth the qualification entitling the person certifying to practise as a physician, surgeon, or apothecary, ex. gra., being a Fellow of the Royal College of Physicians in London*], and being in actual practice as a [*physician, surgeon, or apothecary, as the case may be*], hereby certify, that I, on the            day of            at            [*here insert the street and number of the house (if any) or other like particulars*], in the county of           , personally examined *A. B.* of [*insert residence and profession or occupation (if any)*], and that the said *A. B.* is a [*lunatic, or an idiot, or a person of unsound mind*], and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds; viz.

1. Facts indicating insanity observed by myself [*here state the facts*].

2. Other facts (if any) indicating insanity communicated to me by others [*here state the information and from whom*].  
(Signed)

Place of abode.

Dated this            day of            one thousand eight hundred  
and            \*            \*            \*            \*            \*

# 16 & 17 VICT. CHAP. 97.

AN ACT to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in England.

[20th August, 1853.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

I. The following Acts relating to lunatic asylums for counties 8 & 9 Vict.  
and boroughs, and the maintenance and care of pauper lunatics, c. 126; 9 & 10  
in England, (that is to say,) an Act of the session holden in Vict. c. 84;  
the eighth and ninth years of Her Majesty, chapter one hun- and 10 & 11  
dred and twenty-six, an Act of the session holden in the ninth Vict. c. 43, re-  
and tenth years of Her Majesty, chapter eighty-four, and an pealed, but  
Act of the session holden in the tenth and eleventh years of not to affect  
Her Majesty, chapter forty-three, shall be repealed; but such appointments,  
&c.  
repeal shall not interfere with or affect any appointment, salary,  
or annuity made or granted, or act done, or agreement or  
contract entered into or made, or prevent or defeat any prose-  
cution or proceeding for any offence committed or any penalty  
or forfeiture incurred before the commencement of this Act,  
but every such agreement or contract shall and may (subject to  
the provisions hereinafter contained in relation thereto) be  
carried into effect and enforced, and every such offence prose-  
cuted, and every such penalty and forfeiture sued for, recovered,  
and applied, and every pending prosecution or proceeding con-  
tinued, in like manner as if this Act had not been passed.

\* \* \* \* \*

XXXV. No lands or buildings already or to be hereafter Assessment to  
purchased or acquired, under the provisions of any former Act local rates not  
or this Act for the purposes of any asylum (with or without to be increased  
any additional building erected or to be erected thereon), shall after purchases  
while used for such purposes, be assessed to any county, paro- for the pur-  
chial, or other local rates at a higher value or more improved poses of this  
or any former  
Act.

rent than the value or rent at which the same were assessed at the time of such purchase or acquisition (a).

\* \* \* \* \*

Visitors empowered to contract for the reception of pauper lunatics into asylums of other counties or hospitals or licensed houses.

XLII. It shall be lawful for every committee of visitors to contract with the committee of visitors of any asylum, or with the subscribers to any hospital registered or the proprietor of any house licensed for the reception of lunatics, for the reception into such asylum, hospital, or house of the whole or of a portion of the pauper lunatics of the county or counties, borough or boroughs, or counties and boroughs, or any of them respectively, for which such first-mentioned committee is acting, or for the use and occupation of all or any part of such registered hospital or licensed house, at such sum, either in gross or by way of annual or other periodical payment or rent, and under and subject to such terms, stipulations, and conditions, as such visitors shall think fit (b); and it shall be lawful for the committee of visitors of any asylum, or the subscribers to any registered hospital or the proprietor of any licensed house, to contract with any committee of visitors accordingly: Provided always, that no such contract shall be made for any longer period than for the term of five years (c), and that any such contract may be determined by notice in writing under the hand of one of Her Majesty's principal secretaries of state, and that every such contract with the proprietor of a licensed house shall determine on such house ceasing to be duly licensed for the reception of lunatics; provided also, that no such contract shall exempt the justices of any county or borough or any committee from the immediate duty and obligation of erecting or providing, or uniting in erecting or providing, an asylum or additional asylum, or of enlarging or improving any asylum, as required by this Act, where one of Her Majesty's principal secretaries of state has caused notice to be given as aforesaid for the determination of such contract, although the term for which such contract was entered into has not expired by effluxion of time: Provided also, that any money which may be payable under such contract for the reception of the lunatics of any county or borough into any asylum beyond the weekly sums which may

Period of such contract limited.

As to money payable under contract for

(a) See 6 & 7 Will. 4, c. 96, s. 1.

(b) See sect. 45, *post*.

(c) See 18 & 19 Vict. c. 105, s. 10.

#### POOR RATE ON COUNTY LUNATIC ASYLUM GARDEN.

*Decision on*  
*sect. 35.*

Where the committee of a county lunatic asylum purchased 30 acres of land, which they cultivated, with the assistance of the pauper lunatics, as a garden, and also received into the asylum paupers from other counties and a few private patients, and a considerable profit was annually derived from the asylum, it was held that, notwithstanding, the asylum came within the operation of s. 35 of 16 & 17 Vict. c. 97, and was therefore not assessable to the poor rate on the higher scale: *Cambridge Pauper Lunatic Asylum v. Fulbourn*, 12 L. T. (N. S.) 344; S. C. Reg. v. *Fulbourn*, 34 L. J. (N. S.) M. C. 106; 11 Jur. (N. S.) 620; 6 B. & S. 451.

be charged under this Act (*d*) for the lodging, maintenance, reception of medicine, clothing, and care of lunatics in the asylum belonging to the county or borough to which such lunatics shall belong, any asylum. shall be paid, defrayed, and raised by such county or borough out of any monies in the hands of the treasurer for the county which shall be applicable for the repairs or other ordinary expenses of such asylum (*e*); provided also, that any hospital or licensed house with the subscribers or proprietor of which any such committee so contract as aforesaid shall be subject to the visitation of any of the members of such committee for the time being (*f*).

XLIII. Whenever it appears to the committee of visitors of any asylum that such asylum is more than sufficient for the accommodation of all the pauper lunatics of the county or borough, or each county and borough to which the same wholly or in part belongs, and of any county or counties, borough or boroughs with which any existing contract for the reception of all or any of the pauper lunatics thereof in such asylum has been entered into, or which shall otherwise contribute to such asylum, it shall be lawful for the committee of visitors, if they think fit, to give notice thereof by advertisement in some newspaper commonly circulated in such county or borough, or every such county or borough as aforesaid, and (subject nevertheless and without prejudice to any agreement with any voluntary subscribers) by a resolution of the said committee, to permit the admission of so many pauper lunatics of any other county or borough, and (if such committee think fit) lunatics not paupers, but who, in the opinion of such committee, may be proper objects to be admitted into a public asylum, as to such committee may seem expedient, and at any time to rescind or vary any such resolution; and such committee may, if they think fit, by such resolution require that no pauper lunatic shall be admitted into such asylum thereunder without an undertaking by the minute of the guardians of the union or parish, [*or signed by two of the overseers of the parish to which such lunatic is chargeable*] (*g*), or in the case of a lunatic not a pauper by the person signing the order for the admission of such lunatic (*h*), for the due payment of the weekly charge for the lodging, maintenance, medicine, clothing, and care of such lunatic during his continuance in such asylum, and of the expenses of his burial in case he die therein (*i*), as well as for the removal of such lunatic from such asylum within six days after due notice given in writing by the superintendent of such asylum; and such lunatic not being a pauper shall have the same accommodation in all respects as the pauper lunatics (*k*).

\* \* \* \* \*

(*d*) See sect. 54, *post*; and 25 & 26 Vict. c. 111, s. 6.

(*e*) See 25 & 26 Vict. c. 111, s. 7.

(*f*) See 25 & 26 Vict. c. 111, ss. 6, 7; 30 & 31 Vict. c. 106, s. 23; and 31 & 32 Vict. c. 122, s. 14.

(*g*) See sects. 95, 102, *post*; and 24 & 25 Vict. c. 55, s. 6.

(*h*) See sect. 74, *post*.

(*i*) See sect. 120, *post*.

(*k*) See 25 & 26 Vict. c. 111, s. 6; 30 & 31 Vict. c. 106, s. 23; and 31 & 32 Vict. c. 122, s. 14.

*Regulation  
and manage-  
ment of  
asylums, and  
appointment of  
officers.*

Visitors to  
submit general  
rules to the  
secretary of  
state, and sub-  
ject to such  
general rules,  
to make regu-  
lations and  
determine diet  
of lunatics.

LIII. Every committee of visitors shall, within twelve months after the passing of this Act, in the case of every asylum already established, and general rules for the government whereof have not been already submitted to one of Her Majesty's principal secretaries of state, and within twelve months after the completion of every asylum hereafter established, submit the existing general rules, or general rules to be prepared by such committee, for the government of the asylum under their superintendence to one of Her Majesty's principal secretaries of state for his approval; and such rules, when approved by him, shall be printed, abided by, and observed; and every such committee shall have power, with the like approbation, to alter and vary such rules from time to time as they think necessary; and every such committee shall make from time to time such regulations and orders as they think fit, not inconsistent with the general rules for the time being in force for the management and conduct of the asylum, and in such regulations there shall be set forth the number and description of officers and servants to be kept, the duties to be required of them, and the salaries to be paid to them respectively; and every such committee shall from time to time determine the diet of the patients; and in and by such regulations such committee may direct that any number of beds in such asylum, and in such respective parts thereof as such committee may think fit, shall be always reserved for such cases as in and by such regulations shall be in this behalf mentioned; and in such case such asylum shall for the purposes of this Act, as respects the admission of all cases not within the description or class for which such beds are reserved, be deemed full when there are no vacant beds in such asylum except those so reserved, but nevertheless it shall be in the power of the committee of visitors of such asylum for the time being to fill the beds so reserved as they may deem expedient; and any such committee may, if they see fit, by any such regulations or order, exclude from admission into the asylum persons afflicted with any disease or malady which such committee may deem contagious or infectious, and persons coming from any district or place in which any such disease or malady may be prevalent.

Visitors to fix  
weekly rate to  
be paid for  
maintenance  
of each lunatic,  
not to exceed  
14s. per week.

LIV. Every committee of visitors shall fix a weekly sum to be charged for the lodging, maintenance, medicine, clothing, and care of each pauper lunatic confined in such asylum, of such amount that the same may be sufficient to defray the whole expense of the lodging, maintenance, care, medicine, and clothing, and other expenses requisite for each pauper lunatic, and that the total amount of such weekly sums, after defraying such expenses, may also be sufficient to pay the salaries of the officers and attendants, and such committee may from time to time alter the amount of such weekly sum as occasion may require: Provided always (*k*), that any such

(*k*) See 18 & 19 Vict. c. 105, s. 10; and 25 & 26 Vict. c. 111, ss. 6, 7.

committee may, if they think fit, fix a greater weekly sum to be charged as aforesaid in respect of pauper lunatics other than those sent to such asylum from or settled in some parish or place situate in any county or borough to which such asylum belongs (l); provided also, that such sum shall in no case exceed the rate of fourteen shillings per week; but if the aforesaid rate of fourteen shillings be found insufficient for the purposes aforesaid, it shall be lawful for the major part of the justices of the county or borough, or of each county or borough to which such asylum may belong, present at any general or quarter sessions for such county, or at a special meeting of the justices of such borough, or each such county or borough respectively, to make such addition to such rate as to them respectively shall seem fit and necessary, and to make an order or orders accordingly, which order or orders shall be signed by the clerk of the peace for the county, or clerk to the justices for the borough, and forthwith published in some newspaper commonly circulated within such county or borough.

If the rate be found insufficient, justices in quarter sessions may increase it.

LIV. The committee of visitors of every asylum shall appoint a chaplain for the same, who shall be in priest's orders, and shall be licensed by the bishop of the diocese, and the license of any such chaplain as aforesaid shall be revocable by the bishop whenever he shall think fit; and such chaplain, or his substitute approved by the visitors, shall perform and celebrate, in the chapel of or in some convenient place within or belonging to such asylum, divine service according to the rites of the Church of England as established by law, on every Sunday, Christmas Day, and Good Friday, and shall also perform and celebrate such service within the said asylum, at such other times, and also such other services according to the rites of the Church of England as established by law at such times, as the visitors shall direct; and if any patient be of a religious persuasion differing from that of the Established Church, a minister of such persuasion, at the special request of such patient or his friends, shall, with the consent of the medical officer of such asylum, and under such regulations as he shall direct, be allowed to visit such patient at proper and reasonable times; \* \* \*

Visitors to appoint a chaplain.

Patients allowed the visits of any minister of their own persuasion.

\* \* \* \* \*

LXIII. The clerk of every asylum shall, on the first day of January and the first day of July in every year, prepare a list of all pauper lunatics then in such asylum, according to the form in Schedule (C.), No. 1, to this Act annexed, and within fifteen days after such list shall have been prepared one copy thereof shall be laid by such clerk before the visitors of the asylum, and another shall be transmitted by him to the clerk of the peace of every or any county and to the clerk to the justices of every or any borough to which such asylum

List of pauper patients in asylums to be made half-yearly, and laid before visitors, and copies transmitted to clerks of the

(l) See 25 & 26 Vict. c. 111, s. 6; 30 & 31 Vict. c. 106, s. 23; and 31 & 32 Vict. c. 122, s. 14.

peace and commissioners in lunacy.

Clerks of boards of guardians, and overseers where no guardians, to make annual returns of pauper lunatics.

Power for medical persons, guardians, and overseers of unions and parishes, to visit pauper patients of such unions and parishes confined in any asylum.

*Provisions concerning visitation, confinement, removal, and discharge of lunatics.*

solely or jointly belongs, to be by him laid before the justices of such county or borough, and another copy of such list shall within the same time be transmitted by such clerk to the commissioners in lunacy; \* \* \*

LXIV. The clerk of the board of guardians of every union, and of every parish under a board of guardians, and the overseers of every parish not in a union nor under a board of guardians, shall, on the first day of January in every year, or as soon after as may be, make out and sign a true and faithful list of all lunatics chargeable to the union or parish in the form in Schedule (D.) hereunto annexed, and shall, on or before the first day of February next succeeding, lay one copy of such list before the visitors of the asylum, or before the visitors of each asylum (if more than one) of the county or borough in which such union or parish is situate, and shall transmit one copy of such list to the clerk of the peace of the county, or the clerk to the justices of the borough within which the union or parish to which each such lunatic is chargeable is situate, to be by him laid before the justices acting for such county at their next general or quarter sessions, or before the justices of such borough, and another copy of such list to the commissioners in lunacy, and another copy thereof to the poor law board; and any such clerk or overseer neglecting to make out and sign such list, or to transmit copies thereof, as herein directed, shall for every such offence forfeit any sum not exceeding twenty pounds.

LXV. Any physician, surgeon, or apothecary to be appointed by the guardians of any union or parish or the overseers of any parish, and also the guardians of any union or parish, and the overseers of any parish, shall be permitted, whenever they see fit, between the hours of eight in the morning and six in the evening, to visit and examine any or every pauper lunatic chargeable to such union or parish confined in any asylum, registered hospital or licensed house: Provided always, that if the medical officer of any asylum be of opinion that it will be injurious to any lunatic to permit such visit and examination, and such medical officer state in writing the reasons why such lunatic should not be visited and examined, and sign such statement, and deliver the same to the person or persons so requiring to visit and examine such lunatic, then and in such case it shall be lawful for such medical officer to refuse such visit and examination; and in every such case such medical officer shall forthwith enter in the medical journal the reasons set forth in such statement for such refusal and shall sign such entry (a).

LXVI. Every pauper lunatic not in an asylum, or a hospital registered or a house licensed for the reception of lunatics, shall be visited once in every quarter of a year (reckoning the several quarters of the year as ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and

(a) See 25 & 26 Vict. c. 111, s. 34.

the thirty-first day of December,) by the medical officer of or for the parish or union or district of a parish or union in which such lunatic is resident; and such medical officer shall be paid the sum of two shillings and sixpence for each such quarterly visit to any pauper not being in a workhouse, which sum shall be paid by the same persons, and be charged to the same account as the relief of such pauper; and within seven days after the end of every such quarter such medical officer shall prepare and sign a list according to the form in the Schedule (E.) (b) to this Act of all such lunatics, and shall state therein whether in the opinion of such medical officer all or any of such lunatics are or are not properly taken care of, and may or may not properly remain out of an asylum, and such medical officer shall within the time aforesaid deliver or send such list to the clerk to the guardians of such parish or union, or if such parish be not under a board of guardians to one of the overseers thereof; and the forms for such lists shall be from time to time furnished to the medical officer of every parish under a board of guardians, and to the medical officers of every union, by the guardians of such parish or union; but nothing in this enactment shall be taken or construed to relieve any medical officer from any obligation by this Act imposed upon him to give notice to a relieving officer or overseer where it appears to such medical officer that any pauper lunatic ought to be sent to an asylum; and such clerk or overseer receiving any such list as aforesaid shall, within three days after the receipt thereof, transmit the same to the commissioners in lunacy, and a copy thereof to the clerk to the visitors of the asylum for the county or borough in which the parish or union for which he is clerk or overseer is situate; and every such medical officer, clerk, or overseer failing to comply with this enactment shall for every such offence forfeit any sum not exceeding twenty pounds nor under two pounds (b).

LXVII. Every medical officer of a parish or union who shall have knowledge that any pauper resident in such parish, or in any parish within the district of such medical officer, is or is deemed to be a lunatic, and a proper person to be sent to an asylum (c), shall within three days after obtaining such knowledge give notice thereof in writing to a relieving officer of such parish, or if there is no relieving officer then to one of the overseers of such parish, and every relieving officer of any parish within a union or under a board of guardians, and every overseer of a parish of which there is no relieving officer, who shall have knowledge, either by such notice or otherwise, that any pauper resident in such parish is or is deemed to be a lunatic, [and a proper person to be sent to an asylum (d)] shall within three days after obtaining such knowledge give notice thereof to some justice of the county or borough within which such parish is situate; and thereupon the said justice shall, by an order

Every pauper lunatic not in an asylum, registered hospital, or licensed house, to be visited once a quarter by the medical officer of the parish or union, and lists of such lunatics to be sent to commissioners in lunacy.

Provision for sending pauper lunatics to asylums.

(b) See 25 & 26 Vict. c. 111, s. 21.

(c) See 25 & 26 Vict. c. 111, s. 20.

(d) See ib. s. 19.

under his hand and seal (*a*), require such relieving officer or overseer to bring such pauper before him, or some other justice of the said county or borough, at such time and place within three days from the time of such notice being given to such justice as shall be appointed by the said order; and the said justice before whom such pauper shall be brought shall call to his assistance a physician, surgeon, or apothecary, and examine such person; and if such physician, surgeon, or apothecary shall sign a certificate with respect to such pauper, according to the form in Schedule (F.), No. 3, to this Act annexed, and such justice be satisfied, upon view, or personal examination of such pauper, or other proof, that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, he shall, by an order under his hand according to the form in the said Schedule (F.), No. 1, to this Act annexed, direct such pauper to be received into such asylum as hereinafter mentioned, or, where hereinafter authorized in this behalf, into some hospital registered or some house duly licensed for the reception of lunatics; and such relieving officer or overseer shall immediately convey or cause the said lunatic to be conveyed to such asylum, hospital, or house, and such lunatic shall be received and detained therein: Provided always, that it shall be lawful for any justice, upon notice being given to him as aforesaid, or upon his own knowledge, without any such notice as aforesaid, to examine any pauper deemed to be lunatic at his own abode or elsewhere, and to proceed in all respects as if such pauper were brought before him in pursuance of an order for that purpose; provided also, that in case any pauper deemed to be lunatic cannot, on account of his health or other cause, be conveniently taken before any justice, such pauper may be examined at his own abode or elsewhere by an officiating clergyman of the parish in which he is resident (*b*), together with a relieving officer, or if there be no relieving officer, an overseer of such parish, and such officiating clergyman, together with such relieving officer or overseer, shall call to their assistance a physician, surgeon, or apothecary (*c*); and if such physician, surgeon, or apothecary shall sign a certificate with respect to such pauper according to the said form in the said Schedule (F.), No. 3, and if upon view or examination of such pauper such officiating clergyman and such relieving officer or overseer be satisfied that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, such officiating clergyman, together with such overseer or relieving officer, shall, by an order under their hands according to the said form in the said Schedule (F.), No. 1, direct such pauper to be received into such asylum as hereinafter mentioned, or, where hereinafter authorized in this behalf, into some such registered hospital or licensed house as aforesaid, and such

(*a*) See 12 & 13 Vict. c. 103, s. 3; (*b*) See sect. 132, *post*.  
18 & 19 Vict. c. 105, s. 15.

(*c*) See 25 & 26 Vict. c. 111, s. 47.

relieving officer or overseer shall immediately convey or cause such pauper to be conveyed to such asylum, hospital, or house, and such pauper shall be received and detained therein; provided also, that if the physician, surgeon, or apothecary by whom any such pauper shall be examined shall certify in writing that he is not in a fit state to be removed, his removal shall be suspended until the same or some other physician, surgeon, or apothecary shall certify in writing that he is fit to be removed; and every such physician, surgeon, and apothecary is required to give such last-mentioned certificate as soon as in his judgment it ought to be given; provided also, that where a certificate in the form in the said Schedule (F.), No. 3, is signed by the medical officer of the parish or union in which the pauper named therein is resident, as well as by some other person being a physician, surgeon, or apothecary called to the assistance of the justice or clergyman and overseer or relieving officer, as hereinbefore mentioned, such joint certificate, or such two certificates (as the case may be), shall be received by the justice or clergyman and overseer or relieving officer by whom such person is examined as hereinbefore mentioned as conclusive evidence that the person named therein is a lunatic, and a proper person to be taken charge of and detained under care and treatment, and he or they shall make an order in the form in the said Schedule (F.), No. 1, accordingly.

LXVIII. Every constable of any parish or place, and every relieving officer and overseer of any parish (*d*), who shall have knowledge that any person wandering at large within such parish or place (whether or not such person be a pauper) is deemed to be a lunatic, shall immediately apprehend and take or cause such person to be apprehended and taken before a justice; and it shall also be lawful for any justice, upon its being made to appear to him by the information upon oath of any person whomsoever that any person wandering at large

Provision as to lunatics wandering at large, not being properly taken care of, or being cruelly treated, &c.

(*d*) See 12 & 13 Vict. c. 103, s. 3; and 30 Vict. c. 12, s. 6.

#### ORDER FOR ADMISSION TO ASYLUM.

It was not a good objection to the order that the lunatic pauper was not brought before the justice by warrant from him after notice from the relieving officer according to 8 & 9 Vict. c. 126, s. 48, the enactments in that respect being directory only, and the justice having jurisdiction, in whatever way such lunatic pauper was brought before him: *Reg. v. Rhyddlan*, 14 Q. B. 327; 19 L. J. M. C. 110.

*Decisions on sect. 67.*

An order for the admission of a pauper lunatic into a licensed house, under 8 & 9 Vict. c. 100, s. 48, which is repealed by 16 & 17 Vict. c. 96, s. 3, signed by a clergyman and an overseer, was not removable by *certiorari*: *Reg. v. Hatfield Peverel*, 18 L. J. M. C. 225; 14 Q. B. 298.

Where a lunatic not chargeable to any parish was, at the instance of the officiating minister, sent, by an order of justices, to an asylum, under 8 & 9 Vict. c. 126, s. 49, he was to be considered as a pauper, and chargeable, by virtue of sect. 57, to the parish from which he was sent: *Reg. v. Winsford*, 3 N. S. C. 625; 18 L. J. M. C. 231.

within the limits of his jurisdiction is deemed to be a lunatic, by an order under the hand and seal (a) of such justice, to require any constable of the parish or place, or relieving officer or overseer of the parish where such person may be found, to apprehend him and bring him before such justice, or some other justice having jurisdiction where such person may be found; and every constable of any parish or place, and every relieving officer and overseer of any parish, who shall have knowledge that any person in such parish or place not a pauper and not wandering at large as aforesaid is deemed to be a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall, within three days after obtaining such knowledge, give information thereof upon oath to a justice, and in case it be made to appear to any justice, upon such information or upon the information upon oath of any person whomsoever, that any person within the limits of his jurisdiction not a pauper, and not wandering at large, is deemed to be a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, such justice shall either himself visit and examine such person and make inquiry into the matters so appearing upon such information, or by an order under his hand and seal direct and authorize some physician, surgeon, or apothecary to visit and examine such person, and make such inquiry, and to report in writing to such justice his opinion thereupon; and in case upon such personal visit, examination, and inquiry by such justice, or upon the report of such physician, surgeon, or apothecary (b), it appear to such justice that such person is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, it shall be lawful for such justice, by an order under his hand and seal, to require any constable of the parish or place, or any relieving officer or overseer of the parish, where such person is alleged to be, to bring him before any two justices of the same county or borough; and the justice or justices (as the case may be) before whom any such person as aforesaid in the respective cases aforesaid is brought, under this enactment, shall call to his or their assistance a physician, surgeon, or apothecary, and shall examine such person, and make such inquiry relative to such person as he or they shall deem necessary; and if upon examination of such person or other proof such justice be satisfied that such person so brought before him is a lunatic, and was wandering at large, and is a proper person to be taken charge of and detained under care and treatment, or such two justices be satisfied that such person so brought before them is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any

(a) See 18 & 19 Vict. c. 105, s. 15; and 30 Vict. c. 12, s. 6.

(b) See 25 & 26 Vict. c. 111, s. 47.

person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, and if such physician, surgeon, or apothecary sign a certificate with respect to every such person so brought either before one justice or two justices according to the form in the Schedule (F.), No. 3, to this Act, it shall be lawful for the said justice or justices, by an order under his or their hand and seal or hands and seals, according to the form in the Schedule (F.), No. 1, to this Act, to direct such person to be received into such asylum as hereinafter mentioned, or, where hereinafter authorized in this behalf, into some hospital registered or house licensed for the reception of lunatics, and the said constable, relieving officer, or overseer who may have brought such person before the said justice or justices, or any constable whom such justice or justices may require so to do, shall forthwith convey such person to such asylum, hospital, or house accordingly: Provided always, that it shall be lawful for any justice, upon such information on oath as aforesaid, or upon his own knowledge, and alone, in the case of any such person as aforesaid wandering at large and deemed to be a lunatic, or with some other justice in any other of the cases aforesaid, to examine the person deemed to be a lunatic, at his own abode or elsewhere, and to proceed in all respects as if such person were brought before him or them as hereinbefore mentioned; provided also, that it shall be lawful for the said justice or justices to suspend the execution of any such order for removing any such person as aforesaid to any asylum, hospital, or house for such period not exceeding fourteen days as he or they may deem meet, and in the meantime to give such directions or make such arrangements for the proper care and control of such person as he or they shall consider necessary; provided also, that if the physician, surgeon, or apothecary by whom such person is examined certify in writing that he is not in a fit state to be removed, the removal of such person shall be suspended until the same or some other physician, surgeon, or apothecary certify in writing that such person is fit to be removed; and every such physician, surgeon, and apothecary is hereby required to give such last-mentioned certificate as soon as in his judgment it ought to be given; provided also, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from retaining or taking such lunatic under his own care, if such relation or friend shall satisfy the justice or justices before whom such lunatic shall be brought, or the visitors of the asylum in which such lunatic is or is intended to be placed, that such lunatic will be properly taken care of.

LXIX. It shall be lawful for any justice or justices causing any person to be examined by any physician, surgeon, or apothecary (c) under the provisions hereinbefore contained, if he or they think fit so to do, to make an order (d) under his or

Power to justices to order payment of a fee to any physician, &c.

(c) See 25 & 26 Vict.c. 111, s. 47.

(d) See sect. 103.

called in to examine any person.

Penalties on medical officers, overseers, &c. omitting to give notice as aforesaid.

Penalty on relieving officers, overseers, and constables, delaying to execute orders.

Orders of justices, &c. may extend to authorize reception into hospitals or licensed houses, but lunatics to be always sent to asylum, if circumstances permit.

their hand and seal (a) or hands and seals upon the guardians of the union or parish or the overseers of the parish to which such person is chargeable, under the provisions herein contained, for the payment of such reasonable remuneration to any such physician, surgeon, or apothecary, for the examination of such person, and of all other reasonable expenses in or about the examination of such person, and the bringing him before such justice or justices, and in case he be ordered to be conveyed to any asylum, registered hospital, or licensed house, of conveying him thereto, as to such justice or justices may seem proper.

LXX. If any medical officer of any parish or union omit for more than three days after obtaining knowledge of any pauper resident in such parish, or in any parish within his district, being, or being deemed to be lunatic, and a proper person to be sent to an asylum, to give such notice thereof as is hereinbefore required, or if any relieving officer of any parish, or any overseer of any parish of which there is no relieving officer, omit for more than three days after obtaining knowledge of any pauper resident in such parish, being deemed to be a lunatic, and a proper person to be sent to an asylum, to give notice thereof to a justice as hereinbefore required, or if any constable, relieving officer, or overseer omit to apprehend and take before a justice, as hereinbefore required, any person wandering at large and deemed to be a lunatic, or omit for three days after obtaining knowledge that any person deemed to be a lunatic (not a pauper and not wandering at large) is not under proper care and control, or is cruelly treated or neglected by any person having the care or charge of him, to give information thereof to a justice as hereinbefore required, such medical officer, relieving officer, overseer, or constable, as the case may be, shall for every such offence forfeit any sum not exceeding ten pounds.

LXXI. If any relieving officer, overseer, or constable by this Act required to convey any person to any asylum, registered hospital, or licensed house, in pursuance of any order under this Act, refuse or wilfully neglect to execute such order with all reasonable expedition, he shall for every such offence forfeit any sum not exceeding ten pounds.

LXXII. Every such order by a justice or justices, or by a clergyman and overseer or relieving officer as aforesaid, for the reception of a lunatic into an asylum, may authorize his admission, not only into any lunatic asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, but also into any other asylum for the reception of pauper lunatics of such county or borough, and also into any asylum for any other county or borough, or any hospital registered or house licensed for the reception of lunatics; but every lunatic shall under every such order be

(a) See 18 & 19 Vict. c. 105, s. 15.

sent to an asylum of the county or borough in which the parish or place from which he is sent is situate, unless there be no such asylum, or there be a deficiency of room, or unless there be some special circumstances by reason whereof such lunatic cannot conveniently be taken to such asylum, which deficiency of room or special circumstances shall be stated in the order for the reception of such lunatic into any asylum other than such asylum as aforesaid, or into any registered hospital or licensed house; and no lunatic shall be sent to any registered hospital or house licensed for the reception of lunatics, by virtue of such order, except there be no such asylum, or no such asylum in which he can be received, or there be some special circumstances by reason whereof he cannot be taken thereto, which shall be stated in like manner as aforesaid (b).

LXXIII. No pauper shall be received into any asylum, registered hospital, or licensed house (save under the provisions herein contained with respect to removal of lunatics) without an order according to the form required in the said Schedule (F.), No. 1, under the hands of one justice, or under the hands of an officiating clergyman, and of one of the overseers or the relieving officer of the parish or union from which such pauper is sent as aforesaid, together with such statement of particulars as is contained in the same Schedule, nor without a medical certificate according to the form in the said Schedule (F.), No. 3, signed by one physician, surgeon, or apothecary, who shall have personally examined him not more than seven clear days previously to his reception; and every person who receives any pauper into any asylum without such order and medical certificate (save under any of the said provisions) shall be guilty of a misdemeanor.

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LXXV. Every physician, surgeon, and apothecary (c) signing any certificate under or for the purposes of this Act, shall specify therein the facts upon which he has formed his opinion,

No pauper to be received into any asylum without a certain order and certificate.

Medical certificate to specify facts upon which opinion

(b) See sect. 78, *post*.

(c) See 25 & 26 Vict. c. 111, s. 47.

#### EFFECT OF MEDICAL CERTIFICATE.

It was held to be no valid objection to an order of maintenance made under 8 & 9 Vict. c. 126, s. 62 (since repealed), that the medical certificate annexed to the order varied from the form in Schedule (E.) in not stating the place of abode of the person signing it, or that he was a fellow or licentiate of the College of Physicians. Further, the confinement of the lunatic does not become unlawful by reason of such irregularity, where it does not appear that there was in fact no qualification, or that the residence was in fact not known; and the existence of the qualification, and the fact of the residence being known, may be inferred from the examinations. The confinement existing *de facto* and not being unlawful, the jurisdiction of the justices to adjudicate on the settlement, and to make an order of maintenance, arises. The keeper of the asylum incurs responsibility by receiving the lunatic without a regular medical certificate; but, having so received him, is bound to continue the confinement until the lunatic is discharged: *Reg. v. Minster*, 14 Q. B. 349.

*Decision on sect. 73.*

of insanity  
has been  
formed.

that the person to whom such certificate relates is a lunatic, an idiot, or a person of unsound mind, distinguishing in such certificate facts observed by himself from facts communicated to him by others; and no person shall be received into any asylum under any certificate which purports to be founded only upon facts communicated by others.

Who not to  
sign certi-  
ficate for re-  
ception of a  
patient.

LXXXVI. No physician, surgeon, or apothecary who, or whose father, brother, son, partner, or assistant shall sign the order for the reception of a patient, shall sign any certificate for the reception of the same patient, and no patient shall be received into any asylum upon or under any certificate signed by any medical officer of such asylum.

Power to two  
visitors of  
any asylum,  
being justices,  
to order re-  
moval of pau-  
per lunatics  
to or from  
such asylum.

LXXXVII. It shall be lawful for any two of the visitors of any asylum, being justices, by an order in writing under their hands and seals (*a*), to order any pauper lunatic chargeable to any parish or union within the county or borough or any county or borough to which such asylum wholly or in part belongs, or to such county (*b*), and who may be confined in any other asylum, or in any registered hospital or licensed house, to be removed to such first-mentioned asylum; and it shall be lawful for any two of the visitors of any asylum, being justices, in manner aforesaid, to order any pauper lunatic to be removed from such asylum to some other asylum or to some registered hospital or licensed house; but no such lunatic shall be removed as last aforesaid without the consent in writing of two of the commissioners in lunacy, except to an asylum within or belonging wholly or in part to the county within which the asylum from which the lunatic is removed is situate, or the county in some parish of which the lunatic may have been adjudged to be settled, or a registered hospital or licensed house within any such county as aforesaid, or an asylum, registered hospital, or licensed house into which the lunatic can be received under a subsisting contract for the reception of lunatics therein; and it shall be lawful for the justices making any such order in and by the same to direct or require any overseer or relieving or other officer of the parish, union, or county to which such lunatic is chargeable, or to authorize any other person, to execute the same; and every such order and consent shall be made and given respectively in duplicate, and one duplicate shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house from which the patient is removed, and the other shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house to which the patient is removed, and such order, with such consent in writing (where such consent is required), shall be a sufficient authority for the removal of such patient, and also for his reception into the asylum, hospital, or licensed house to which he is ordered to be removed: Provided always, that no person shall be

(*a*) See 18 & 19 Vict. c. 105, s. 15.

(*b*) See 18 & 19 Vict. c. 105, s. 8.

removed under any such order without a medical certificate, signed by the medical officer of the asylum, or the medical practitioner, or one of the medical practitioners, keeping, residing in, or visiting the hospital or licensed house from which such person is ordered to be removed, certifying that he is in a fit condition of bodily health to be removed in pursuance of such order; and the superintendent or proprietor of such asylum, hospital, or licensed house shall, at the time of delivering the person ordered to be removed to the overseer, officer, or person having the execution of the order for removal, deliver to such overseer or officer, free of any charge for the same, the certificate of such medical officer, and also a copy (certified under the hand of such superintendent or proprietor to be a true copy) of the order and certificate under which such person was received into and detained in such asylum, hospital, or licensed house, and the said certificate and certified copies, with one duplicate of the order for removal, shall be delivered by such overseer, officer or person to the superintendent or proprietor of the asylum, hospital, or licensed house to which such person is ordered to be removed, or any other officer of such asylum, hospital, or licensed house into whose care such person is delivered.

LXXVIII. Provided always, that no lunatic being a pauper shall be received under any order made by virtue of this Act into any asylum, other than an asylum belonging wholly or in part to the county or borough in which the parish or place from which such lunatic is sent, or the parish in which he is adjudged to be settled, is situate, except there be a subsisting contract for the reception of lunatics of such county or borough therein, or such borough otherwise contributes to such asylum, unless such order be endorsed by a visitor of such asylum; and it shall not be compulsory on the superintendent of any registered hospital or the proprietor of any licensed house to receive any lunatic under any such order, except in pursuance of any subsisting contract (c). Pauper lunatics not to be received into other than county or borough asylum without endorsement of order by a visitor, and orders not compulsory on hospitals or licensed houses.

LXXIX. It shall be lawful for any three of the visitors of any asylum, by writing under their hands and seals, to order the discharge of any person detained in such asylum, whether such person be recovered or not, and also for any two of such visitors, with the advice in writing of the medical officer of such asylum, to discharge any person detained therein, or to permit any such person to be absent from the asylum upon trial for such period as such visitors think fit (d); and it shall be lawful for such visitors to make such allowance to such last-mentioned person, not exceeding what would be the charge for such person if in the asylum, which allowance, and no greater sum, shall be charged for him and be payable as if he were actually in the asylum; and in case any person so allowed to be absent on trial for any period do not return at the expiration of such Discharge of lunatics from asylums.

(c) See sect. 72, *ante*.

(d) See 18 & 19 Vict. c. 105, s. 17.

period, and a medical certificate as to his state of mind, certifying that his detention in an asylum is no longer necessary, be not sent to the visitors, he may, at any time within fourteen days after the expiration of such period, be retaken, as herein provided in the case of an escape.

Overseers and relieving officers to remove lunatics upon notice of discharge, and to be liable to a penalty for refusal or wilful neglect.

LXXX. When the visitors of any asylum shall order a pauper lunatic confined therein to be discharged therefrom, it shall be lawful for them, when they shall see occasion, to send notice in writing, signed by their clerk, through the post or otherwise, of their intention to discharge such lunatic, to the overseers of the parish wherein it shall have been adjudged that such lunatic is settled, or, if no such adjudication shall have been made, to the overseers of the parish from which such lunatic shall have been sent to such asylum, unless such lunatic shall be chargeable to the common fund of any union, and in any such last-mentioned case to some one relieving officer of such union (*a*), and upon receipt of such notice the overseers or relieving officers respectively shall cause such lunatic, upon his discharge, to be forthwith removed to their parish, or to the workhouse of the union at the cost and charge of their parish or of the common fund of the union, as the case shall require; and any overseer or relieving officer who shall refuse or wilfully neglect to remove such lunatic from the said asylum within the space of seven days after such notice shall have been sent to him shall be guilty of an offence against this Act, and shall forfeit for such offence any sum not exceeding ten pounds, to be recovered as other penalties imposed by this Act are recoverable.

Visitors may discharge a lunatic on the undertaking of a relative or friend that he shall no longer be chargeable, and shall be taken care of.

LXXXI. Where application is made to the committee of visitors of any asylum by any relative or friend of a pauper lunatic confined therein, requiring that he may be delivered over to the custody and care of such relative or friend, it shall be lawful for any two of the visitors aforesaid, if they think fit, and upon the undertaking in writing of such relative or friend to the satisfaction of such visitors that such lunatic shall be no longer chargeable to any union, parish, or county, and shall be properly taken care of, and shall be prevented from doing injury to himself or others, to discharge such lunatic.

Commissioners in lunacy may order removal of lunatics.

LXXXII. It shall be lawful for the commissioners in lunacy, or any two of them, by writing under their hands and seals, to order and direct the removal of any lunatic from any asylum, registered hospital, or licensed house to any other asylum, registered hospital, or licensed house; and every such order shall be made in duplicate, and one duplicate shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house from which the patient is removed, and the other shall be delivered to and left with the superintendent or proprietor of the asylum, hospital, or licensed house to which the patient is removed, and such order shall be a sufficient authority for the removal of such patient, and also for

(*a*) See 24 & 25 Vict. c. 55, s. 6.

his reception into the asylum, hospital, or licensed house to which he is ordered to be removed.

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LXXXVII. If after the reception of any lunatic into any asylum it appear that the order or the medical certificate, or (if more than one) both or either of the medical certificates, upon which he was received, is or are in any respect incorrect or defective, such order and medical certificate or certificates may be amended by the person or persons signing the same at any time within fourteen days next after the reception of such lunatic; provided nevertheless, that no such amendment shall have any force or effect unless the same shall receive the sanction of one or more of the commissioners in lunacy.

Orders and medical certificates may be amended.

LXXXVIII. Every person received into any asylum, registered hospital, or licensed house under such order as is required by this Act, accompanied by the requisite medical certificate, may be detained therein until he be removed or discharged as authorized by this Act, and in case of escape may by virtue of such order and certificate or certificates, be retaken at any time within fourteen days after his escape by the superintendent or proprietor of such asylum, hospital, or house, or any officer or servant belonging thereto, or any other person authorized in writing in this behalf by such superintendent or proprietor, and conveyed to and received and detained in such asylum, hospital or house.

Persons received into asylums, &c. may be detained till removal or discharge, and in case of escape may be retaken within fourteen days.

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XCII. In case of the death of any patient in any asylum a notice and statement according to the form in Schedule (F.), No. 5, of the death and cause of the death of such patient, and the name of any person or persons who was or were present at the death, shall be drawn up and signed by the clerk and medical officer of such asylum, and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district and to the commissioners in lunacy within forty-eight hours of the death of such patient, and also to the relieving officer or the overseers of the union or parish to which such lunatic (if a pauper) was chargeable, and if not a pauper to the person who shall have signed the order for the admission of the lunatic, or who made the last payment on account of such lunatic; and every clerk or medical officer who neglects or omits to draw up, sign, or transmit such notice or statement as aforesaid, within the time aforesaid, shall respectively forfeit and pay any sum not exceeding twenty pounds.

In case of the death of a lunatic the cause of death to be stated, and sent to the registrar of deaths, the commissioners in lunacy, and relieving officer or overseers.

\* \* \* \* \*

XCIV. Where any lunatic shall be sent to an asylum, registered hospital, or licensed house, under any order made by virtue of the authority hereinbefore given to two justices (b), if it appear to such justices that such lunatic hath an estate applicable to his maintenance, and more than sufficient to maintain his family (if any), it shall be lawful for such justices to make an application in writing under their hands and seals (c) to

*As to expense of maintenance and removal, &c. of pauper and other lunatics.*

How justices

(b) See sect. 68.

(c) See 18 & 19 Vict. c. 105, s. 15.

are to proceed where it appears to them that the lunatic has property applicable to his maintenance.

the nearest known relative or friend of such lunatic, for the payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such lunatic; and in case such charges be not paid within one month after such application, it shall be lawful for the same or any other justices, by an order under their hands and seals, to direct a relieving officer or overseer of the parish from which such lunatic shall be sent, or where any property of such lunatic shall be, to seize so much of the money, and to seize and sell so much of the goods and chattels, and take and receive so much of the rents and profits of the lands and tenements of such lunatic, and of any other income of such lunatic, as may be necessary to pay the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, accounting for the same to the same or any other justices, such charges having been first proved to the satisfaction of the said justices, and the amount set forth in such order; and if any trustee or other person having the possession, custody, or charge of any property of such lunatic, or if the governor and company of the Bank of England, or any other body or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay the whole or any part thereof to any overseer or relieving officer, to defray the charges set forth in such order, the receipt of such overseer or relieving officer shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid: Provided always, that notwithstanding it may appear to the said justices that such lunatic hath such estate as aforesaid, it shall be lawful for such justices, in the meantime and until such charges as aforesaid shall be paid, in pursuance of such application or order as aforesaid, to make an order on the guardians of the union or parish, or the overseers of the parish, from which such lunatic shall be sent for confinement, for payment of the charges of the removal, lodging, maintenance, clothing, medicine, and care of such lunatic; and such guardians or overseers shall be reimbursed such charges under any order to be made as aforesaid for payment of such charges, out of the property of the lunatic, unless the same be sooner repaid by some relative or friend of such lunatic in pursuance of such application as aforesaid (*d*).

Every pauper lunatic to be chargeable to the parish from which he is sent till otherwise adjudged.

XCV. When any pauper lunatic is confined under the provisions of this Act he shall, for the purposes of this Act, be chargeable to the parish (*e*) from which, or at the instance of some officer or officiating clergyman of which, he has been sent, unless and until such parish shall have established, under the provisions herein contained, that such lunatic is settled in some other parish, or that it cannot be ascertained in what parish such lunatic is settled (*f*); and every pauper lunatic who is

(*d*) See s. 104; and also 3 & 4 Vict. c. 54, s. 2; 7 & 8 Vict. c. 101, s. 27; 12 & 13 Vict. c. 103, s. 16; 13 & 14 Vict. c. 101, s. 5; and 19 Vict. c. 15, s. 9.

(*e*) See 28 & 29 Vict. c. 79, s. 1.

(*f*) See 24 & 25 Vict. c. 55, ss. 6, 7.

chargeable to any parish (*g*) shall, whilst he resides in an asylum, registered hospital, or licensed house, be deemed for the purposes of his settlement to be residing in the parish to which he is chargeable.

XCVI. It shall be lawful for the justice by whom any pauper lunatic is sent to an asylum, registered hospital, or licensed house under the powers of this Act, or for any two justices of the county or borough in which the asylum, registered hospital, or licensed house in which any pauper lunatic is confined is situate or from any part of which any pauper lunatic has been sent, or for any two justices being visitors of such asylum or licensed house, to make an order (*h*) upon the guardians of the union or parish or the overseers of the parish (if not in a union or under a board of guardians) from which, or at the instance of any officer or officiating clergyman of which, such lunatic is or has been sent for confinement, for payment to the treasurer, officer, or proprietor of the asylum, registered hospital, or licensed house of the reasonable charges of the lodging, maintenance, medicine, clothing, and care of such lunatic in such asylum, hospital or house, and any such order may be retrospective or prospective, or partly retrospective and partly prospective; and the guardians or overseers on whom such order shall be made shall from time to time pay to the said treasurer, officer, or proprietor the charges aforesaid.

Justices to make an order upon the officers of unions and parishes for maintenance of lunatics.

XCVII. It shall be lawful for any two justices for the county or borough in which any asylum, registered hospital, or licensed house in which any pauper lunatic is or has been confined is situate, or to which such asylum wholly or in part belongs, or from any part of which any pauper lunatic is or has been sent for confinement, at any time to inquire into the last legal settlement of such pauper lunatic, and if satisfactory evidence can be obtained as to such settlement in any parish, such justices shall, by order under their hands and seals (*h*), adjudge such settlement accordingly, and order (*i*) the guardians of the union to which the parish in which such lunatic is adjudged to be settled belongs, or of such parish in case such parish be in a union or be under a board of guardians, and if not, then the overseers of such parish, to pay to the guardians of any union or parish, or the overseers of any parish, all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and the bringing him before a justice or justices, and his conveyance to the asylum, hospital, or house, and of all monies paid by such last-mentioned guardians or overseers to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order, and, if such lunatic is still in confinement, also to pay to the treasurer, officer, or proprietor of the

Two justices may inquire into and adjudge the settlement of a lunatic, and order payment of maintenance, &c. accordingly.

(*g*) See 28 & 29 Vict. c. 79, s. 1. (*h*) See 18 & 19 Vict. c. 105, s. 15.

(*i*) See sect. 103.

asylum, hospital, or house the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and the guardians or overseers on whom any such order is made shall immediately pay to the guardians or overseers to whom the same are ordered to be paid the amount of the expenses and monies by such order directed to be paid to them, and from time to time pay to the said treasurer, officer or proprietor of the asylum, hospital, or house the future charges aforesaid.

#### ORDER ADJUDICATING SETTLEMENT.

*Decisions on  
sect. 97.*

Under 8 & 9 Vict. c. 126, ss. 58, 62, the adjudication of the settlement might properly be comprehended in the order for payment of costs of maintenance: *Reg. v. Tyrwhitt*, 17 L. J. M. C. 141.

Sect. 58 of 8 & 9 Vict. c. 126, which empowered justices to inquire into and adjudicate upon the settlement of "any pauper lunatic confined or ordered to be confined," in a lunatic asylum, authorized the proceeding only during the time while the pauper remains in confinement, and the time between the order for his being confined and the beginning of his confinement. And if an order for maintenance, under sect. 62, was made on a parish as the last place of a pauper lunatic's settlement, and the adjudication had taken place after the pauper was discharged from the asylum, the order was bad, though the discharge was within 12 months from the beginning of the confinement: *Reg. v. Wolverhampton*, 14 Q. B. 318; 19 L. J. M. C. 25.

The limitation to twelve months, in 8 & 9 Vict. c. 126, s. 62, applied to the expenses of lodging, maintenance, &c., but not to those of examination and conveyance. And an order for payment of both classes of expenses, not showing when any part had been incurred, but only that they had been paid within the preceding twelve months, was, on *certiorari*, quashed as to the expenses of lodging, maintenance, &c., but not as to those of conveyance and examination. When orders have been returned to a *certiorari*, and their validity is argued on the return, it is too late to urge that the objections to the order were not specified in the rule for a *certiorari*: *Reg. v. Winster*, 14 Q. B. 344.

Under 8 & 9 Vict. c. 126, the jurisdiction of the justices to adjudicate the settlement and to make an order of maintenance attached on their finding the pauper lunatic in the asylum: *Reg. v. Rhyddlan*, 19 L. J. M. C. 110.

#### COMMON ORDER TO REMOVE A LUNATIC.

A lunatic who has become chargeable, and who is not shown to be unfit to be at large, is removable to the place of his settlement under a common order of removal, and it is not imperative to resort to the provisions of the Lunacy Act in such a case: *Reg. v. Barnsley*, 18 L. J. M. C. 170.

#### ORDER AS TO EXPENSES OF REMOVAL OF LUNATIC.

A lunatic was sent by a justice from the township of A., in the union of W., to the county asylum; and the justice made an order upon the treasurer of the union for payment of the expenses. Subsequently, two justices adjudicated that the settlement of the lunatic was not in A., but in W., also in the same union; and the two justices, by an order reciting the above facts, ordered the treasurer of the union, on behalf of such parties as the law required, to pay to himself, out of any moneys that might be in his hands, the expenses already incurred on behalf of A., and likewise to pay the future expenses: Held, that the order was good in substance,

ORDER AS TO EXPENSES OF REMOVAL OF LUNATIC—*continued.*

as an order was required, under the circumstances, to justify the treasurer *Decisions on* in paying as on behalf of W.; and that the form requiring him to pay to *sect. 97.* himself, was correct: *Reg. v. East Ardsley*, 14 Q. B. 793; 19 L. J. M. C. 133.

Under 8 & 9 Vict. c. 126, s. 62, it was no objection to the order that the asylum is part of the workhouse, and that the keepers are the physician and master of the workhouse, salaried as such by the parish, having no beneficial interest in the asylum, and accountable to the parish for whatever they receive or expend as such keepers: *St. Pancras v. St. Marylebone*, 16 Q. B. 971.

At the time when a pauper was removed to the asylum, she was not irremovable under the 9 & 10 Vict. c. 66; and, therefore, the order of maintenance was properly made upon the parish of settlement instead of on the common fund of the union, under the 12 & 13 Vict. c. 103: *Reg. v. St. Anne, Blackfriars*, 22 L. J. M. C. 137; 17 Jur. 575; 21 L. T. 152.

An order of justices directed to the guardians and their clerk, but ordering the clerk to pay, is a sufficient order on the guardians under this section. An order adjudicating the settlement of a pauper lunatic, under 16 & 17 Vict. c. 97, s. 97, cannot be objected to on the ground of an insufficient recital of an order sending the lunatic to an asylum; the jurisdiction of the justices attaching on the *de facto* confinement of the individual as a pauper lunatic; and the order for admission to the asylum will be presumed to be good until it is shown to be bad: *Reg. v. Crediton*, 31 L. T. 114; 1 E. B. & E. 231; 22 J. P. (n.) 352, 722; 4 Jur. (N. S.) 926; 27 L. J. M. C. 265.

A boy, 18 years of age, having resided, unemancipated, with his father for more than five years in A., a parish in the S. union, became insane, and was removed as a lunatic pauper to an asylum, the expense of his maintenance, &c., being paid by the S. union. After three years, the lunatic still being in the asylum, the father removed altogether from A., upon which an order of justices was made, under s. 97 of 16 & 17 Vict. c. 97, adjudging the lunatic to be settled in the parish of G. (the place of his father's settlement), and directing that parish to pay the costs of his maintenance, &c.; but it was held that the order was invalid, and that the costs of maintenance ought still to be borne by the S. union, under sect. 112: *Reg. v. St. Giles in the Fields*, 30 L. J. M. C. 12; 3 L. T. (N. S.) 292; *S. C. St. Giles in the Fields v. Strand Union*, 7 Jur. (N. S.) 161; 24 J. P. (N.) 756.

A justice of a borough not having a quarter session, has no jurisdiction, under s. 67 of 16 & 17 Vict. c. 97, to send a pauper lunatic to an asylum, and this by reason of the meaning assigned to the word "borough" by the interpretation clause, sect. 132. The jurisdiction of justices under sect. 97, to adjudge the settlement of a pauper lunatic and make an order for his maintenance, attaches where he is *de facto* confined in an asylum; and their order is not invalidated by the fact that he was sent there by a justice who had no jurisdiction. *Per Wightman and Mellor, JJ., Crompton, J., dissentiente*: *Reg. v. Faversham*, 26 J. P. 310; 31 L. J. M. C. 116; 6 L. T. (N. S.) 415; 2 B. & S. 275.

## UNEMANCIPATED CHILD OF IRISH PARENTS.

A legitimate child whose parents have no settlement, though unemancipated, has a settlement in the parish in which it is born. Where a legitimate child, born in England, is removed under 16 & 17 Vict. c. 97, to an asylum as a pauper lunatic, being then above the age of 16, but unemancipated and living with his parents (the father being an Irishman and the mother an Englishwoman, but neither of them having any settlement) an order for his maintenance is properly made, under sect. 97, on the parish of his birth, and ought not to be made, under sect. 98, on the county, as for a

If settlement cannot be ascertained, a pauper lunatic may be made chargeable to the county.

XCVIII. If any pauper lunatic be not settled in the parish by which, or at the instance of some officer or officiating clergyman of which, he is sent to any asylum, registered hospital, or licensed house, and it cannot be ascertained in what parish such pauper lunatic is settled, and if a relieving officer of such first-mentioned parish, or of the union in which the same is situate, or the overseers of such first-mentioned parish, shall give ten days notice to the clerk of the peace of the county in which such lunatic was found to appear for such county before two justices thereof, at a time and place to be appointed in such notice, it shall be lawful for such two justices, or any two or more justices of such county, upon the appearance of such clerk of the peace, or any one on his behalf, or, in case of his non-appearance, upon proof of his having been served with such notice, to inquire into the circumstances of the case, and to

#### UNEMANCIPATED CHILD OF IRISH PARENTS *continued.*

*Decisions on  
sect. 97.*  
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pauper whose place of settlement cannot be ascertained: *Reg. v. Newchurch*, 3 B. & S. 107; 9 Jur. (N. S.) 536; 7 L. T. (N. S.) 271; 32 L. J. M. C. 19; *S. C. Newchurch v. Tottington Lower End*, 26 J. P. (N.) 725; 27 J. P. 245.

#### LUNATIC PAUPER LIVING APART FROM HUSBAND.

A woman whose husband was irremovable from the parish of A., by reason of a five years' residence, but whose parish of settlement was B., was living apart from him in the parish of C., where she became chargeable as a pauper lunatic. An order of justices was therefore made under 16 & 17 Vict. c. 97, s. 97, adjudging her last legal place of settlement to be the parish of B.: Held, that the order was valid, and rightly made upon the parish of the husband's settlement, and not upon that in which he had acquired the status of irremovability: *Reg. v. St. Clement Danes*, 7 L. T. (N. S.) 315.

#### LUNATIC WIFE—ORDER OF MAINTENANCE.

Where a man has resided six years in a parish, but during those years his wife has been confined in a lunatic asylum, at his instance, and at the cost of his parish of settlement, and the wife again becomes lunatic and is sent to an asylum, an order for her maintenance is properly made on the parish of settlement under s. 97 of 16 & 17 Vict. c. 97, and ought not to be made on the parish of residence under sect. 102: *Reg. v. St. George's, Bloomsbury*, 4 B. & S. 108; 32 L. J. M. C. 217.

Where a union is partly in a borough having a separate court of quarter sessions, and partly in the county (the borough being also in the county), the appeal against an order under 16 & 17 Vict. c. 97, s. 97, must be to the county quarter sessions under sect. 108, although the asylum in which the lunatic is confined is situated in another borough in the county having a separate court of quarter sessions: *Reg. v. Kent JJ.*, 14 L. T. (N. S.) 331; L. R. 1 Q. B. 385; 35 L. J. M. C. 201; 7 B. & S. 394.

The removal by her parents of a lunatic who cannot exercise any will of her own, does not constitute a break of residence; and an order under 16 & 17 Vict. c. 97, ss. 97, 102, must be made on the union of irremovability, and not on the union where the settlement is. *Semble*, while the incapacity of the lunatic continued, no change in her residence could take place so as to effect her status of irremovability: *Reg. v. Whitby*, 39 L. J. M. C. 97; 34 J. P. 725.

adjudge such pauper lunatic to be chargeable to such county (a) and to order the treasurer of such county to pay to the guardians of any union or parish or the overseers of any parish all expenses incurred by or on behalf of such union or parish in or about the examination of such lunatic, and the bringing him before a justice or justices, and his conveyance to the asylum, hospital, or house, and all monies paid by such guardians or overseers to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to the date of such order, and (if such lunatic is still in confinement) also to pay to the treasurer, officer, or proprietor of the asylum, hospital, or house the reasonable charges of the future lodging, maintenance, medicine, clothing and care of such lunatic; and every such treasurer of a county on whom any such order is made shall, out of any monies which may come into his hands by virtue of his office, immediately pay to such guardians or overseers the amount of the expenses and monies by such order directed to be paid to them, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, hospital, or house the future charges aforesaid: Provided always, that such justices may direct such inquiry to be made to ascertain the parish in which any pauper lunatic is settled as they think fit, and delay adjudging such pauper lunatic to be chargeable to any county until such further inquiry has been made: Provided also, that every county to which any pauper lunatic is adjudged to be chargeable as aforesaid may at any time thereafter inquire as to the parish in which such lunatic is settled, and may procure such lunatic to be adjudged to be settled in any parish (b).

XCIX. If, after any pauper lunatic has been sent to an asylum, registered hospital, or licensed house as aforesaid, and has been adjudged to be chargeable to a county, such county procure such lunatic to be adjudged to be settled in any parish, it shall be lawful for any two justices of the county or borough in which the asylum, registered hospital, or licensed house in

Provision for reimbursement to a county of monies paid on account of a lunatic after-

(a) See 18 & 19 Vict. c. 105, s. 14. (b) See 25 & 26 Vict. c. 111, s. 45.

#### CHARGEABILITY ON COUNTY.

Where an order adjudging a pauper lunatic chargeable to the county is made, and it cannot then be shown that the removing parish is the parish of settlement, the county is not precluded from afterwards proving this and applying for an order of reimbursement: *Clerk of the Peace for Middlesex v. All Saints, Poplar*, 2 L. T. (N. S.) 215; 29 L. J. M. C. 186; 6 Jur. (N. S.) 823; *S. C. All Saints, Poplar*, v. *Clerk of the Peace for Middlesex*, 24 J. P. (N.) 308, 661; *All Saints, Poplar*, app., *Clerk of the Peace for Middlesex*, resp., 2 E. & E. 829. *Decisions on sect. 98.*

Under the 16 & 17 Vict. c. 97, s. 98, a lunatic pauper who has no parish of settlement is equally chargeable to the county as one who has a parish of settlement which cannot be ascertained, notwithstanding the provisions of 8 & 9 Vict. c. 117: *Clerk of the Peace for Somersetshire v. Shipham*, 32 L. J. M. C. 83; 9 Jur. (N. S.) 869; 7 L. T. (N. S.) 673; 27 J. P. (N.) 69, 437; 3 B. & S. 507.

wards adjudged to belong to any parish.

which such lunatic is confined is situate, or from any part of which such lunatic was sent for confinement, or for any two justices being visitors of such asylum or licensed house, to make an order (a) upon the guardians of the union to which such parish belongs, or of any such parish, if such parish be in a union or be under a board of guardians, or if not, then upon the overseers of such parish for payment to the treasurer of the said county of all expenses and monies paid by such treasurer as hereinbefore is provided, and of all monies paid by such treasurer to the treasurer, officer, or proprietor of the asylum, hospital, or house, for the lodging, maintenance, medicine, clothing, and care of such lunatic, and incurred within twelve calendar months previous to such order, and (if such lunatic is still in confinement) also for payment to the treasurer or officer or proprietor of the asylum, hospital, or house of the reasonable charges of the future lodging, maintenance, medicine, clothing, and care of such lunatic; and such guardians or overseers shall immediately pay to the treasurer of such county the amount of the expenses and monies by such order directed to be paid to him, and from time to time pay to the said treasurer, officer, or proprietor of the asylum, hospital or house the future charges aforesaid (b).

Justices to make orders out of their respective jurisdictions.

C. It shall be lawful for any justices hereinbefore authorized to make any such order (a) as aforesaid upon the guardians of any union or parish, or upon the overseers of any parish, to make such order upon such guardians or overseers, although such union or parish be not within the jurisdiction of such justices.

Order for payment of charges of maintenance in asylums, &c. to extend to any asylum, &c. to which the lunatic may be removed.

CI. Where any order (a) has been made for the payment of the future charges of the lodging, maintenance, medicine, clothing, and care of any lunatic in any asylum, registered hospital, or licensed house, such order shall extend to and be applicable in respect of the charges of the lodging, maintenance, medicine, clothing, and care of such lunatic in any asylum, registered hospital, or licensed house to which he may be removed under the powers of this or any other Act, in like manner as if such charges had by such order been directed to be paid to the treasurer or an officer or the proprietor of the asylum, registered hospital, or licensed house in which such lunatic may for the time being be confined.

The costs of pauper lunatics who are irremovable to be borne by the parish wherein they were exempt from removal, or by the common fund in unions.

CII. Provided always, that all the expenses incurred since the twenty-ninth day of September, one thousand eight hundred and fifty-three, or hereafter to be incurred, in and about the examination, bringing before a justice or justices, removal, lodging, maintenance, medicine, clothing, and care of a pauper lunatic heretofore or hereafter removed to an asylum, registered hospital, or licensed house under the authority of this or any other Act, who would, at the time of his being conveyed to such asylum, hospital, or house, have been exempt from removal to the parish of his settlement or the country of his birth by reason of some provision in the Act of the session

(a) See sect. 103.

(b) See 25 & 26 Vict. c. 111, s. 45.

holden in the ninth and tenth years of Her Majesty, chapter sixty-six shall be paid by the guardians of the parish wherein such lunatic shall have acquired such exemption if such parish be subject to a separate board of guardians, or by the overseers of such parish where the same is not subject to such separate board, and where such parish shall be comprised in any union the same shall be paid by the guardians, and be charged to the common fund of such union so long as the cost of the relief of paupers rendered irremovable by the last-mentioned Act shall continue to be chargeable upon the common funds of unions; and no order shall be made under any provision contained in this or any other Act upon the parish of the settlement in respect of any such lunatic pauper during the time that the above-mentioned charges are to be paid and charged as herein provided; and section five of the Act of the session holden in the twelfth and thirteenth years of Her Majesty, chapter one hundred and three shall be repealed.

Section 5 of  
12 & 13 Vict.  
c. 103, re-  
pealed.

#### ADJUDICATION OF SETTLEMENT.

An order under 8 & 9 Vict. c. 126, s. 62, for payment of expenses could not be brought up by *certiorari*. If so brought up the objection to the order may be taken on the return. It is no valid objection, that the order for payment of expenses sets forth the order of removal, and the adjudication of the settlement, by way of recital, without finding that the statements in such order and adjudication are true. The order may be for payment of a sum specified as reasonable at the time of the order, "or such other weekly sum as the proprietor of the said house shall hereafter, and from time to time, reasonably charge." Nor that it does not appear by the order of adjudication that, before adjudication, any notice was given to the parish in which it is adjudged that the pauper is settled. Nor that the order for payment recites an adjudication that the parish "was the place of the last legal settlement" of the lunatic, without further stating the time of the settlement. Nor that such order does not state the pauper to have been chargeable to the parish from which he was removed. Nor that the removal is to a private licensed asylum, but it does not appear that there is no county asylum, or that such asylum is full: *Reg. v. Hatfield Feverel*, 14 Q. B. 298; 18 L. J. M. C. 225.

*Decisions on  
sect. 102.*

The repealed enactment 12 & 13 Vict. c. 103, s. 5, rendered the union liable to the expenses of maintenance as well as to the expenses of obtaining the order: *Wigton v. Snaith*, 14 Q. B. 496.

Under 12 & 13 Vict. c. 103, s. 5, if a pauper lunatic, born in Ireland and having no English settlement, is removed to an asylum after five years' residence in a parish in England, from which, if sane, he would have been irremovable by 9 & 10 Vict. c. 66, the union, not the county, was held liable to the expenses of his removal and maintenance: *Reg. v. Arnold*, 21 L. J. M. C. 180; 18 Q. B. 353; 17 Jur. 300.

The 12 & 13 Vict. c. 103, s. 5, was confined to cases where the lunatic is removed to the asylum under an order of justices, and did not apply when the removal to the asylum was under the order of an officiating clergyman and a relieving officer, according to the 8 & 9 Vict. c. 126, s. 48; in which case the order for maintenance must be made on the parish where the lunatic is adjudged to be settled: *Reg. v. St. Leonard, Shoreditch*, 20 L. T. 219; 14 Q. B. 340; 22 L. J. M. C. 51; 17 Jur. 234.

An order adjudicating the settlement and directing payment by the parish of the settlement of the expenses of maintenance of a pauper lunatic in an asylum was made, under the 16 & 17 Vict. c. 97, by two

ADJUDICATION OF SETTLEMENT—*continued*.

*Decisions on* justices some months after the pauper had been discharged cured from the  
*sect. 102.* asylum, where he had remained about three months : Held, that, notwithstanding the 16 & 17 Vict. c. 97, s. 102, and the 4th section of the 9 & 10 Vict. c. 66, the order was rightly made on the parish of the settlement : *Reg. v. Manchester*, 28 L. T. 82 ; 26 L. J. M. C. 1 ; 6 E. & B. 919 ; 28 L. T. 369 ; 2 Jur. (N. s.) 1205.

A pauper lunatic was removed to an asylum on the 28th December, 1854, and was maintained there at the expense of the township of B. and the D. union, from that day till the 6th September, 1855, when she was discharged cured. On the 3rd December, 1855, an order of two justices was obtained, adjudging the settlement of the pauper to be in H., and making the usual order for the payment by H. of the part expenses to the guardians of the D. union, and of future expenses to the treasurer of the asylum : Held, that, notwithstanding the 16 & 17 Vict. c. 97, s. 102, and the 9 & 10 Vict. c. 66, s. 4, the order of maintenance on H. was good : *Hunslet, app., Dewsbury Union and Batley*, resp., 28 L. T. 99.

## LUNATIC SENT TO ASYLUM FROM THIRD PARISH.

On appeal against an order for the maintenance of a pauper lunatic, made on the township of Leeds, under 16 & 17 Vict. c. 97, s. 102, it appeared that the pauper had lived with her husband at Leeds ever since their marriage, which took place twenty years ago, and had thus acquired a status of irremovability there. In July, 1856, she was taken ill, whilst on a visit to her sister at Wakefield, and was removed by the guardians of Wakefield to the county lunatic asylum, and shortly after, in the same month, her husband died at Leeds. The guardians of Wakefield obtained an order on the Leeds guardians for the maintenance of the woman in the asylum. Thorne was admitted to be the parish of her settlement : Held, that the order was properly made under the 102nd section of the 16 & 17 Vict. c. 97, notwithstanding that the pauper was not actually resident in Leeds at the time when she was sent to the asylum, that section containing, by necessary implication, authority for justices to make an order in the cases therein provided for : *Reg. v. Leeds*, 21 J. P. (N. s.) 100, 582 ; *S. C. Leeds v. Wakefield*, 26 L. J. M. C. 37 ; 3 Jur. (N. s.) 292 ; 28 L. T. 265 ; 7 E. & B. 258.

A boy 18 years of age, having resided unemancipated with his father for more than five years in A., in the S. union, became insane, and was removed to an asylum, the expense of his maintenance being paid by the S. union. After three years, the lunatic being still in the asylum, the father removed altogether from A., upon which an order was made under 16 & 17 Vict. c. 97, s. 97, adjudging the lunatic to be settled in G., the place of his father's settlement, and directing that parish to pay the costs of his maintenance, &c. : Held, that such order was invalid, and that costs of maintenance ought still to be borne by the S. union, under 16 & 17 Vict. c. 97, s. 102, for that at the time of his being conveyed to the asylum, the lunatic was exempt from removal under 9 & 10 Vict. c. 66, coupled with 11 & 12 Vict. c. 111, which must be taken as incorporated with it : *Reg. v. St. Giles in the Fields*, 30 L. J. M. C. 12 ; 3 L. T. (N. s.) 292.

## LUNATIC WIFE LIVING APART FROM HER HUSBAND.

Where a woman, who is residing separate from her husband, and in a different parish, is sent to a lunatic asylum as a pauper lunatic under 16 & 17 Vict. c. 97, the order for her maintenance is properly made on the parish of her husband's settlement under sect. 97, and ought not to be made under sect. 102 on the union of the parish from which the husband is irremovable by reason of five years' residence : *Reg. v. East Retford*, 3 B. & S. 122 ; 26 J. P. (N. s.) 725 ; 32 L. J. M. C. 17 ; 27 J. P. 229 ; *S. C. Reg. v. St. Clement Danes*, 7 L. T. (N. s.) 315.

CIII. Provided also, that any guardians or overseers who would be liable under any provision contained in this Act to have an order made upon them for the payment of any money may pay the same without any such order being made, and may charge the same to such account as they could have done if such order had been made.

Guardians and overseers may pay charges without orders of justices.

CIV. If it appear to any justice or justices by this Act authorized to make any order for the payment of money for the maintenance of any lunatic that such lunatic has an estate, real or personal, applicable to his maintenance, and more than sufficient to maintain his family, if any, he or they shall, by an order under his or their hand and seal or hands and seals (a), direct the overseers of the parish, or a relieving officer of the parish or union, or the treasurer or some other officer of the county to which such lunatic is chargeable, or in which any property of the lunatic may be, or an officer of the asylum in which the lunatic may be, to seize so much of any money, and to seize and sell so much of the goods and chattels, and to take and receive so much of the rents and profits of the lands and tenements of such lunatic and other income of such lunatic, as may be necessary to pay the charges of the examination, bringing before a justice or justices, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, accounting for the same to such justice or justices, such charges having been first proved to the satisfaction of such justice or justices, and the amount set forth in such order (b); and if any trustee or other person having the possession, custody, or charge of any property of such lunatic, or if the governor and company of the Bank of England, or any other body or person having in their or his hands any stock, interest, dividend, or annuity belonging or due to such lunatic, pay any money according to any such order, or pay any money without any such order, to the guardians of any union or parish, or to any overseer of any parish not in a union or under a board of guardians, or to the treasurer of any county, or any other officer of any county authorized to receive the same, to defray the charges paid or incurred by or on behalf of such parish, union or county for the examination, bringing before a justice or justices, removal, lodging, maintenance, clothing, medicine, and care of such lunatic, the receipt of the person authorized to receive such money under such order, or of such guardians, overseer, or treasurer, or other officer, shall be a good discharge to such trustee, governor, and company, or other body or person as aforesaid (c).

Lunatic's property to be available for his maintenance.

(a) See 18 & 19 Vict. c. 105, s. 15. Vict. c. 103, s. 16; 13 & 14 Vict.

(b) See 25 & 26 Vict. c. 86, s. 12. c. 101, s. 5; 16 & 17 Vict. c. 70,

(c) See also 3 & 4 Vict. c. 54, s. 2; s. 120; 16 & 17 Vict. c. 97, s. 94; 7 & 8 Vict. c. 101, s. 27; 12 & 13 and 19 Vict. c. 15, s. 9.

#### ESTATE OF LUNATIC.

The Court of Chancery will order payment of dividends due on the estate of a lunatic not found so by inquisition to the nearest relative without *Decisions on sect. 104.*

Liability or relations of pauper not to be affected.

CV. The liability of any relation or person to maintain any lunatic shall not be taken away or affected where such lunatic is sent to or confined in any asylum, registered hospital, or licensed house by any provision herein contained concerning the maintenance of such lunatic (*a*).

Persons aggrieved by refusal of an order may appeal to the sessions.

CVI. If any person feel aggrieved by any refusal of an order of any justice or justices as aforesaid, such person may appeal to the next general or quarter sessions of the peace for the county or borough where the matter of appeal has arisen, the person so appealing having given to the justice or justices against whom such appeal is made fourteen clear days notice of such appeal, and such sessions are hereby authorized and required to hear and determine the matter of such appeal in a summary way, and their determination shall be final and conclusive.

Party obtaining order of

CVII. The overseers of any parish, and the guardians of any union or parish, and the clerk of the peace of any county,

(*a*) See 43 Eliz. c. 2, s. 6; 59 Geo. 3, c. 12, s. 26; 5 Geo. 4, c. 83, s. 3; and 4 & 5 Will. 4, c. 76, s. 78.

Decisions on sect. 104.

#### ESTATE OF LUNATIC—continued.

issuing a commission: In re *Burke* and In re *Trustees Relief Act*, 6 Jur. (N. S.) 717; 24 J. P. 659.

#### ADMINISTRATION BY CLERK TO GUARDIANS.

J. F. died intestate, and a widow, leaving a daughter, the only person entitled to distribution of her effects. The daughter had been for some years in the county asylum, maintained at the charge of Mile End Old Town, and no committee of person or estate had been appointed. The mother left a sum of money, principally in the funds, in the name of her late husband, under whose will she was entitled to it. After the proper citations, the court, under sect. 73 of the Probate Act, granted administration of the goods of the mother to the clerk to the guardians of Mile End Old Town, for the use and benefit of the lunatic, limited till the period of her lunacy. An inventory and justified security to be required: *Mile End Old Town v. Findlay*, 9 L. T. (N. S.) 346; 9 Jur. (N. S.) 1253; S. C. *Southwell v. Findlay*, 27 J. P. 760.

A petition was presented to the Vice Chancellor Stuart by Mary Anne Coleman, a person of unsound mind, not so found by inquisition, an inmate of the workhouse of the City of London Union, by Arthur Hinton, her next friend, alleging that she was entitled to a sum of 649l. 9s. 3d. three per cent. bank annuities, standing in the names of certain persons, and that the workhouse authorities had expended about 40l. in her maintenance and support, and praying that the sum so expended might be raised and paid to the workhouse authorities out of the fund, and that the residue might be transferred to new trustees, and the dividends to accrue be paid to Arthur Hinton for the maintenance of the petitioner. The Vice Chancellor ordered that after payment of the costs the residue of the fund should be transferred to the separate account of Mary Anne Coleman, a person of unsound mind, not so found by inquisition, and that the dividends should be paid to Arthur Hinton during her life or further order, he undertaking to apply them for her benefit. His honour refused to allow any portion of the fund to be raised or paid to the workhouse authorities for past maintenance: In re *Coleman's Trust*, 1 Weekly Notes, 209.

obtaining any order under this Act adjudging the settlement of any lunatic to be in any parish, shall, within a reasonable time after such order has been made, send or deliver, by post or otherwise, to the overseers or guardians of the parish in which such lunatic is adjudged to be settled, a copy or duplicate of such order, and also a statement in writing under their or his hands or hand, or where they are the guardians of a union or parish under the hands of any three or more of such guardians, stating the description and address of the overseers, guardians, or clerk of the peace obtaining such order, and the place of confinement of the lunatic, and setting forth the grounds of such adjudication including the particulars of any settlement or settlements relied upon in support thereof; and on the hearing of any appeal against any such order it shall not be lawful for the respondents to go into or give evidence of any other grounds in support of such order than those set forth in such statement.

adjudication to send copy thereof and statement of grounds to the parish or county affected.

CVIII. If the guardians of any union or parish, or the overseers of any parish, feel aggrieved by any such order as aforesaid adjudging the settlement of any lunatic they or he may appeal against the same to the next general quarter sessions of the peace for the county in behalf of which such order has been obtained, or in which the union or parish obtaining such order is situate, or in case such parish or union extend into several jurisdictions, then to the next general quarter sessions of the peace for the county or borough in which the asylum, registered hospital, or licensed house in which such lunatic is or

Appeal against order of adjudication.

#### APPEAL, TO WHAT SESSIONS.

The appeal against an order under 8 & 9 Vict. c. 126, s. 62, for the maintenance of a lunatic pauper removed to the county asylum from a borough within the county, having a separate court of quarter sessions, lay exclusively to the borough quarter sessions: *Reg. v. Lancashire JJ.*, 18 Q. B. 361; 21 L. J. M. C. 164.

*Decisions on sect. 107.*

#### AMENDMENT OF GROUNDS OF ADJUDICATION.

Where a statement of the grounds of adjudication required to be sent under 16 & 17 Vict. c. 97, s. 107, omitted to give the description and address of all the governors, by whom it was signed, it was held that this was such a defect as the sessions had power to amend under the 11 & 12 Vict. c. 31, s. 4: *Reg. v. Manchester*, 26 L. J. M. C. 1; 6 E. & B. 919; 28 L. T. 82.

#### STATEMENT OF GROUNDS—HOW TO BE SIGNED.

Where the order of adjudication of the settlement of a pauper lunatic is obtained by the guardians of a union on behalf of a township, the proper persons to sign the statement of the grounds of adjudication, and of the particulars of settlement required by s. 107 of the 16 & 17 Vict. c. 97, are the overseers of the township: *Heaton v. Manningham*, 33 L. T. 132; *S. C. Reg. v. Heaton*, 28 L. J. M. C. 181; 5 Jur. (N.S.) 1008; E. & E. 782. But see 24 & 25 Vict. c. 55, s. 7.

has been confined is situate, and such sessions upon hearing the said appeal shall have full power finally to determine the matter.

#### APPEAL—JURISDICTION OF JUSTICES.

*Decisions on  
sect. 108.*

With reference to the repealed Act 8 & 9 Vict. c. 126, s. 62, it was held that an appeal against an order for the maintenance of a lunatic pauper must be to the quarter sessions having jurisdiction in the place from which the lunatic was removed to an asylum: *Reg. v. Lancashire JJ.*, 18 Q. B. 361; 21 L. J. M. C. 164.

A prior order of removal quashed on appeal upon the question of settlement, is conclusive evidence between the same parties that the pauper was not then settled in the parish to which he was ordered to be removed, whether the subsequent inquiry was for the adjudication of the settlement and maintenance of a lunatic under the 8 & 9 Vict. c. 126, s. 58, or an ordinary case of removal of the pauper: *Heston v. St. Bride*, 22 L. J. M. C. 65; 20 L. T. 235; 1 E. & B. 583; 17 Jur. 757.

Two justices made an order, adjudging the settlement of a lunatic, who had been sent to an asylum, to be in the township of H., in the union of H., addressed to the overseers of the township and the guardians of the union, and ordering the guardians to pay the expenses. The overseers and the guardians separately appealed. At the first sessions the appeal of the guardians was entered and respited, that of the overseers was called on. The sessions refused to hear it on the ground that the overseers had no *locus standi*: Held, that the sessions might in their discretion regulate the time of hearing the two appeals, so as to secure that they should be heard together and justice done; but that they were bound, under stat. 16 & 17 Vict. c. 97, s. 108, to hear the appeal of the overseers of the township, to whom, at all events, the statute gave an appeal. And a rule for a *mandamus* to enter continuances and hear the appeal was made absolute: *Reg. v. York, W. R., JJ.*, 7 E. & B. 14; 26 L. J. Q. B. 104; 3 Jur. (N. S.) 132.

#### JURISDICTION OF COUNTY SESSIONS.

An order under 16 & 17 Vict. c. 97, s. 97, adjudging the settlement, &c., of a pauper lunatic confined in the borough lunatic asylum, was obtained by a parish situate wholly within a borough having separate quarter sessions, and was made by two justices of the borough, the asylum being also within the borough; and it was held that the appeal against the order, under sect. 108, was to the county, and not to the borough quarter sessions: *Reg. v. Warwickshire JJ.*, 23 J. P. 757; 5 Jur. (N. S.) 1292; 28 L. J. M. C. 249; 33 L. T. 201.

#### ADJOURNMENT.

At the hearing of an appeal against an order made by justices adjudicating the settlement of a pauper lunatic, and ordering payment for his maintenance, the court have power to adjourn the hearing to the next sessions, and this after the hearing and trial of the appeal have been partly proceeded with. But the power of so adjourning ought to be cautiously and carefully exercised: *Reg. v. Cambridge*, 30 L. J. M. C. 137; 1 E. B. & E. 61; 7 Jur. (N. S.) 1073.

#### ORDER OF MAINTENANCE—APPEAL.

Where a pauper was sent from a parish into a lunatic asylum, and an order was subsequently made by justices under sect. 96, directing the

CIX. The clerk to the justices making any order adjudging the settlement of any lunatic, or the clerk of the peace in the case hereinafter provided for, shall keep the depositions upon which such order was made, and shall within seven days furnish a copy of such depositions to any party authorized to appeal against such order, if such party apply for such copy, and pay for the same at the rate of twopence for every folio of seventy-two words; provided that no omission or delay in furnishing such copy of the depositions shall be deemed or construed to be any ground of appeal against the order: Provided also, that on the trial of any appeal against any such order, no such order shall be quashed or set aside either wholly or in part on the ground that such depositions do not furnish sufficient evidence to support, or that any matter therein contained or omitted raises an objection to the order, or grounds on which the same was made: Provided also, that if the justices who make any such order have not any clerk, they shall send or deliver the depositions to the clerk of the peace of the county or borough to the general quarter sessions whereof the appeal against such order is given by this Act, and the party obtaining such order shall, in such statement of grounds of adjudication as aforesaid, state that such justices have not any clerk.

Copy of depositions to be furnished on application.

CX. No appeal shall be allowed against any such order if notice in writing of such appeal be not sent or delivered by post or otherwise to the party on whose application the order was obtained within the space of twenty-one days after the sending or delivery, as hereinbefore directed, of a copy or duplicate of such order and such statement as hereinbefore mentioned, unless within such period of twenty-one days a copy

No appeal if notice not given within a certain time after notice of order.

#### ORDER OF MAINTENANCE—APPEAL—continued.

guardians of the union comprising the parish to pay the costs of the maintenance to the treasurer of the asylum, it was held that the guardians upon whom the order was made could not appeal against it, as it was a mere interim order necessary for the support of the lunatic until his settlement was adjudged to be in some particular parish, or until, by reason of its being impossible to ascertain the parish of settlement, the costs of maintenance were thrown upon the county; but Blackburn, J. (*hæsitante*), the guardians might appeal against the order: *Kettering*, app., *Northampton Lunatic Asylum*, resp., 11 Jur. (N. S.) 999; 34 L. J. M. C. 198; S. C. Reg. v. *Northampton*, 13 L. T. (N. S.) 199; 6 B. & S. 653.

Decisions on sect. 108.

Under 16 & 17 Vict. c. 97, s. 108, the appeal is to the sessions for the county, and not to the sessions for the borough within which the asylum may be situated: *Reg. v. Kent JJ.*, 36 L. J. M. C. 201.

#### RIGHT OF APPEAL BY OVERSEERS.

Notwithstanding the 24 & 25 Vict. c. 55, s. 6, which makes a pauper lunatic chargeable to the common fund of the union in which the parish of his settlement is comprised, and sect. 7, which gives a right of appeal against such order to the guardians of the union, the overseers of the parish of settlement have still a right of appeal against such order under 16 & 17 Vict. c. 97, s. 108: *Reg. v. Medway*, 18 L. T. (N. S.) 431; 37 L. J. M. C. 100; L. R. 3 Q. B. 383; 9 B. & S. 439.

of the depositions shall have been applied for as aforesaid by the party intending to appeal, in which case a further period of fourteen days after the sending of such copy shall be allowed for the giving of such notice of appeal.

Grounds of appeal to be stated.

CXI. In every case where notice of appeal against such order is given, the appellant shall, with such notice, or fourteen days at least before the first day of the sessions at which such appeal is intended to be tried, send or deliver by post or otherwise to the respondent a statement in writing under their or his hands or hand, or where the appellants are the guardians of any union or parish, under the hands of any three or more of such guardians, of the grounds of such appeal; and it shall not be lawful for the appellant on the hearing of any appeal to go into or give evidence of any other grounds of appeal than those set forth in such statement.

As to the sufficiency of statement of grounds of adjudication or appeal.

CXII. Upon the hearing of any appeal against any such order no objection whatever on account of any defect in the form of setting forth any ground of adjudication or appeal in any such statement shall be allowed, and no objection to the reception of legal evidence offered in support of any such ground alleged to be set forth in any such statement shall prevail unless the court be of opinion that such alleged ground is so imperfectly or incorrectly set forth as to be insufficient to enable the party receiving the same to inquire into the subject of such statement, and to prepare for trial: Provided always, that in all cases where the court is of opinion that any such objection to such statement or to the reception of evidence ought to prevail, it shall be lawful for such court, if it so think fit, to cause any such statement to be forthwith amended by some officer of the court, or otherwise, on such terms as to payment of costs to the other party, or postponing the trial to another day in the same sessions, or to the next subsequent sessions, or both payment of costs and postponement, as to such court appears just and reasonable.

Power to amend statement.

Power for court to amend order on account of omission or mistake.

CXIII. If, upon the trial of any appeal against any such order, or upon the return to a writ of *certiorari*, any objection be made on account of any omission or mistake in the drawing up of such order, and it be shown to the satisfaction of the court that sufficient grounds were in proof before the justices making such order to have authorized the drawing up thereof free from the said omission or mistake, it shall be lawful for the court, upon such terms as to payment of costs as it think fit, to amend such order and to give judgment as if no such omission or mis-

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#### LOCAL ACT—SIGNATURE OF NOTICE OF GROUNDS OF APPEAL.

Decisions on sect. 111.

Sect. 111 of 16 & 17 Vict. c. 97, applies to the Norwich Union under a local Act, and notice of grounds of appeal against an order of settlement of a lunatic pauper should be signed by three of the guardians, and not by the governor only: *Reg. v. Cambridgeshire JJ.*, 6 L. T. (N.S.) 332; 26 J. P. 359; 8 Jur. (N.S.) 562; *S. C. Reg. v. Cambridge*, 7 L. T. (N.S.) 675; 27 J. P. 70; 28 J. P. 7.

take had existed : Provided always, that no objection on account of any omission or mistake in any such order brought up upon a return to a writ of *certiorari* shall be allowed, unless such omission or mistake have been specified in the rule for issuing such writ of *certiorari*. Proviso.

CXIV. If either of the parties to the said appeal shall have included in the statement of grounds of adjudication or of appeal sent to the opposite party any ground or grounds in support of the order or of appeal which, in the opinion of the court determining the appeal, is or are frivolous and vexatious, such party shall be liable, at the discretion of the said court, to pay the whole or any part of the costs incurred by the other party in disputing any such ground or grounds. Party making frivolous or vexatious statement of grounds liable to pay costs.

CXV. Upon every such appeal the court before whom the same is brought shall and may, if they think fit, order and direct the party against which the same is decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof. Party losing appeal to pay such costs as court may direct.

CXVI. The decision of the court upon the hearing of any appeal against any such order, as well upon the sufficiency and effect of the statement of the grounds in support of the order and appeal, and of the copy or duplicate of the order sent to the appellant parish or county, as upon the amending or refusing to amend the order as aforesaid, or the statement of grounds, shall be final, and shall not be liable to be reviewed in any court by means of a writ of *certiorari* or *mandamus* or otherwise. Decisions of courts upon hearing appeals to be final.

CXVII. In any case in which an order has been made as aforesaid, and a copy or duplicate thereof sent as herein required, it shall and may be lawful for the party who has obtained such order, whether any notice of appeal against such order has or Abandonment of orders.

#### WRONG DIRECTION OF ORDER—POWER TO AMEND.

By a local Act the churchwardens and overseers, together with 21 persons, were declared to be the guardians of the poor of the parish of L. The justices made an order, adjudging the settlement of a lunatic, on "the churchwardens and overseers of the parish of L.," which was served on the overseers, but not on the guardians. On appeal the order was amended into an order "on the guardians of the poor of the parish of L.:" Held, that both orders were bad; that the mistake was one of substance, and not of form; and that the amending order sought to affect new parties, who had never been before the court: *Reg. v. Liverpool*, 2 L. T. (N. S.) 173; 23 L. J. M. C. 137; 6 Jur. 1028; 24 J. P. (N.) 259, 646. Decision on sect. 113.

#### COURT EMPOWERED TO GRANT COSTS.

The jurisdiction to grant costs of appeal was in the court which had heard and determined it, and in no other court; and therefore, an order made at a subsequent sessions was invalid: *Reg. v. Staffordshire JJ.*, 26 L. J. M. C. 179; 3 Jur. 1148; 22 J. P. 209. Decision on sect. 115.

has not been given, and whether any appeal has or has not been entered, to abandon such order, by notice in writing under the hand or hands of such party, or where such order has been obtained by the guardians of any union, under the hands of any three or more of such guardians, to be sent by post or delivered to the appellant or the party entitled to appeal, and thereupon the said order and all proceedings consequent thereon shall become and be null and void to all intents and purposes as if the same had not been made, and shall not be in any way given in evidence, in case any other order for the same purposes shall be obtained: Provided always, that in all cases of such abandonment the party so abandoning shall pay to the appellant or the party entitled to appeal the costs which he has incurred by reason of such order and of all subsequent proceedings thereon; which costs the proper officer of the court before whom any such appeal (if it had not been abandoned) might have been brought shall, upon application, tax and ascertain at any time, whether the court be sitting or not, upon production to him of such notice of abandonment, and upon proof to him that such reasonable notice of taxation, together with a copy of the bill of costs, has been given to the overseers, guardians, or clerk of the peace abandoning such order, as the distance between the parties shall in his judgment require; and thereupon the sum allowed for costs, including the usual costs of taxation, which such officer is hereby empowered to charge and receive, shall be endorsed upon the said notice of abandonment, and the said notice so endorsed shall be filed among the records of the said court (a).

Provisions of this Act as to expenses to extend to pauper lunatics sent to asylums under any other Act, &c.

CVIII. The provisions of this Act for and concerning the payment of expenses incurred or to be incurred in relation to pauper lunatics shall be applicable with respect to persons confined as pauper lunatics sent to any asylum, registered hospital, or licensed house under any other Act authorizing their reception therein as pauper lunatics, and (save as herein otherwise provided concerning any lunatic who shall appear to have an estate, real or personal, applicable to his maintenance) with respect to all other lunatics sent to any asylum, registered hospital, or licensed house under any order of a justice or justices made under this Act, or the Acts hereby repealed, or any of them, as if such last-mentioned lunatics were at the time of being so sent actually chargeable to the parish from which they have been or shall be sent.

In cases of inquiries and appeals guardians and officers interested to have access to the lunatic.

CXIX. In every case of an inquiry, investigation, dispute, or appeal as to the parish in which a pauper lunatic is settled, the guardians, clerks of the guardians, relieving officers, and overseers of every union including any parish, or of any parish, which parish respectively is interested in such inquiry, investigation, dispute, or appeal, and every person duly authorized by them respectively, and the clerk of the peace of any county

interested in such inquiry, investigation, dispute, or appeal, and every person duly authorized by such clerk of the peace, shall at all reasonable times be allowed free access, in the presence of the medical attendant, to the lunatic, to examine him as to the premises.

CXX. On the death, discharge, or removal of any pauper from any asylum, registered hospital, or licensed house, the necessary expenses attending the burial (*b*), discharge or removal of such pauper shall be borne by the union or parish (if any) to which such pauper is chargeable, as hereinbefore provided, or if such pauper be chargeable to a county, as hereinbefore provided, then by such county, and shall be paid by the guardians of such union or parish, or by the overseers of such parish if not in a union, or under a board of guardians, or by the treasurer of such county.

Expenses of the burial, removal, or discharge of a pauper.

CXXI. If any overseer, or any treasurer of any county, upon whom any order of justices for the payment of money under the provisions of this Act or of any Act hereby repealed is made, shall refuse or neglect for the space of twenty days next after due notice of such order to pay the money so ordered to be paid, the said money, together with the expenses of recovering the same, shall be recovered by distress and sale of the goods of the overseer or treasurer so refusing or neglecting, by warrant under the hands and seals of any two justices hereby authorized to make the order for payment of the money aforesaid, or by an action at law, or by any other proceeding in any court of competent jurisdiction, against such overseer or treasurer; and if the guardians upon whom any such order is made refuse or neglect for such time as aforesaid to pay the money so ordered to be paid, the same, together with the expenses of recovering the same, may be recovered by an action at law or by any other proceeding in any such court; and in case of any such action or proceeding no objection shall be taken to any default or want of form in any order of admission or maintenance, or in any certificate or adjudication under this Act, if such order or adjudication shall not have been appealed against, or if appealed against shall have been affirmed.

Money ordered to be paid by any clerk, overseer, relieving officer, or treasurer to be levied (in case of neglect to pay) by distress or action.

CXXII. Any physician, surgeon, or apothecary who shall sign any certificate contrary to any of the provisions herein contained shall for every such offence forfeit any sum not exceeding twenty pounds; and any physician, surgeon, or apothecary who shall falsely state or certify anything in any certificate under this Act, and any person who shall sign any certificate under this Act, in which he shall be described as a physician, surgeon, or apothecary, not being a physician, surgeon, or apothecary respectively within the meaning of this Act, shall be guilty of a misdemeanor.

Miscellaneous.

Medical men signing false certificates, and persons not medical men giving certificates as such, guilty of misdemeanor.

\* \* \* \* \*

(*b*) See 7 & 8 Vict. c. 101, s. 31; Vict. c. 103, s. 17; 18 & 19 Vict. 11 & 12 Vict. c. 110, s. 3; 12 & 13 c. 105, s. 11.

Visitors may sue and be sued in the name of their clerk, whose removal shall not abate action.

Secretary of commissioners in lunacy and clerks to visitors may prosecute for offences.

Penalties to be recovered in manner provided by 11 & 12 Vict. c. 43. Application of penalties.

Power of appeal to the quarter sessions.

CXXV. Every committee of visitors may sue and be sued in the name of their clerk ; and no action brought or commenced by or against any such committee of visitors in the name of their clerk shall abate or be discontinued by the death or removal of such clerk, but the clerk for the time being to the visitors shall always be deemed plaintiff or defendant in such action, as the case may be.

CXXVI. It shall be lawful for the secretary of the commissioners in lunacy, by their order, to prosecute or proceed against any person for any offence against this Act, and for the clerk to any committee of visitors of any asylum, by their order, to prosecute or proceed against any person for any offence against this Act committed by any officer or servant belonging thereto or employed therein ; and such secretary or clerk acting as the prosecutor or complainant in any such prosecution or proceeding shall be competent to be a witness therein, in the same manner as if he were not such prosecutor or complainant ; and no such prosecution or proceeding shall abate or be discontinued by reason of the death or removal of such secretary or clerk, but his successor shall come and be in his place.

CXXVII. All penalties and forfeitures imposed by this Act shall and may be recovered summarily before two justices in manner provided by the Act of the twelfth year of Her Majesty, "to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders ;" and such penalties and forfeitures, when recovered upon proceedings taken by the secretary of the commissioners, shall be paid to such secretary, and be applied and accounted for by him in like manner as money received for licenses for the reception of lunatics granted by the said commissioners, and when recovered upon proceedings taken by the clerk to any committee of visitors of any asylum shall be paid to the treasurer of such asylum, to be by him applied for the purposes of such asylum in such manner as such committee may think fit and direct, and in all other cases shall be paid to the treasurer of the county or borough for which the justices by whom the person convicted of such offence have acted in such conviction.

CXXVIII. Any person who thinks himself aggrieved by any order or determination of any justices under this Act, other than orders adjudicating as to the settlement of any lunatic pauper, and providing for his maintenance, may, within four calendar months after such order or determination made or given, appeal to the general or quarter sessions, the person appealing having first given at least fourteen clear days notice in writing of such appeal and the nature and matter thereof to the person appealed against, and forthwith after such notice entering into a recognizance before some justice of the peace, with two sufficient sureties, conditioned to try such appeal, and to abide the order and award of the said court thereupon ; and the said general or quarter sessions, upon proof of such notice and recognizance

having been given and entered into, shall in a summary way hear and determine such appeal, or, if they think proper, adjourn the hearing thereof until the next general or quarter sessions, and if they see cause may reduce any penalty or forfeiture to not less than one fourth of the amount imposed by this Act, and may order any money to be returned which shall have been levied in pursuance of such order or determination, and may also award such further satisfaction to be made to the party injured, or such costs to either of the parties, as they shall judge reasonable and proper; and all such determinations of the said general or quarter sessions shall be final, binding, and conclusive upon all parties to all intents and purposes whatsoever.

\* \* \* \* \*

CXXXII. In this Act the words and expressions following shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) Interpretation  
of terms.

“County” shall mean every county, riding, and division of a county [county of a city, county of a town] (a), and shall include every city, town, parish, place, or district by this Act annexed to a county for the purposes hereof (b):

“Borough” shall mean every borough, town and city corporate having a quarter sessions, recorder, and clerk of the peace:

“Parish” shall mean any parish, township, vill, tithing, extra-parochial place, or place maintaining its own poor:

“Union” shall mean a union of parishes formed under the Act of the fifth year of King William the Fourth, intituled “An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in England and Wales,” or under the Act of the twenty-second year of King George the Third, intituled “An Act for the better Relief and Employment of the Poor,” or incorporated or united for the relief or maintenance of the poor under any local Act:

“Lunatic” shall mean and include every person of unsound mind, and every person being an idiot:

“Pauper” shall mean every person maintained wholly or in part by or chargeable to any parish, union, or county:

“Justice” shall mean justice of the peace:

“Officiating clergyman of the parish” shall include the chaplain of the workhouse of the same parish, or of the workhouse of a union to which such parish belongs:

“Guardians” shall mean guardians, governors, directors, managers, or acting guardians, entitled to act in the ordering of relief to the poor from poor rates:

“Overseer” shall mean overseer of the poor of any parish, or any person acting as such:

(a) The words within brackets, Vict. c. 3, s. 48; see also 28 & 29 except with respect to the city of Vict c. 80, s. 1.

London, are repealed by 25 & 26 (b) See 26 & 27 Vict. c. 110.

- “Relieving officer” and “clerk of the guardians” shall respectively mean such relieving officer and clerk of the guardians, and any persons acting as such respectively :
- “Clerk of the peace” shall mean every clerk of the peace, and every person acting as such, or any deputy duly appointed :
- “Physician” “surgeon,” and “apothecary” shall respectively mean a physician, surgeon, and apothecary duly authorized or licensed to practise as such by or as a member of some college, university, company, or institution legally established, and qualified to grant such authority or licence, in some part of the United Kingdom, or having been in practice as an apothecary in England or Wales on or before the fifteenth day of August one thousand eight hundred and fifteen, and being in actual practice as a physician, surgeon, or apothecary :
- “Treasurer of the borough” shall mean every officer who has the custody of any monies raised by a borough rate :
- “Treasurer of the county” shall mean every officer who has the custody of any county rate, or of any rate of any city, town, parish, place, or district by this Act annexed to a county for the purposes hereof :
- “County rate” shall mean a county rate and any funds assessed upon or raised in or belonging to any county in the nature of county rates, and applicable to the purposes to which county rates are applicable :
- “Borough rate” shall mean a borough fund or rate, and any fund assessed upon or raised in or belonging to any borough in the nature of borough rates, and applicable to the purposes to which borough rates are applicable :
- “Asylum” shall mean any asylum, house, building, or place already erected or provided under the provisions of an Act passed in the forty-eighth year of King George the Third, chapter ninety-six, or an Act of the ninth year of King George the Fourth, chapter forty, or the said Acts hereby repealed, or any of them, or subject to the provisions of the said Acts or any of them, or to be erected or provided under the provisions of this Act.

48 Geo. III.  
c. 96.  
9 Geo. IV.  
c. 40.

Not to affect  
provisions of  
39 & 40 Geo.  
III. c. 94; 1  
& 2 Vict. c. 14;  
or 3 & 4 Vict.  
c. 54, as to  
criminal luna-  
tics.

Commence-  
ment of Act.

Extent of Act.  
Short title.

CXXXIII. Nothing in this Act shall affect the provisions of any of the following Acts; (that is to say,) an Act of the session holden in the thirty-ninth and fortieth years of King George the Third, chapter ninety-four; an Act of the session holden in the first and second years of Her Majesty, chapter fourteen; and an Act of the session holden in the third and fourth years of Her Majesty, chapter fifty-four; or any other provisions relating to criminal lunatics.

CXXXIV. This Act shall commence and come into operation on the first day of November, one thousand eight hundred and fifty-three.

CXXXV. This Act shall extend only to England and Wales.

CXXXVI. This Act may be cited as “The Lunatic Asylums Act, 1853.”

## SCHEDULES referred to by the foregoing Act.

\* \* \* \* \*

## SCHEDULE (C.), No. 1.

NAMES of all Pauper Lunatics in the Asylum at \_\_\_\_\_ for the  
 County [*or Borough, &c. as the case may be,*] of  
 on the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Names of those chargeable to a Parish.	Date of Admission.	Names of those chargeable to County.	Date of Admission.	Names of Criminals.

This is a correct return. (Signed)

Dated \_\_\_\_\_ Clerk of the asylum.

\* \* \* \* \*

## SCHEDULE (D.) (a).

*Form of Annual Return.*

A true List of all Lunatics, Idiots, and other Persons of unsound mind, chargeable to the common fund, or to the parishes comprised within [such part of] the \_\_\_\_\_ union [as is situate] [*or to the parish of* \_\_\_\_\_] in the county of \_\_\_\_\_ specifying the names, sex, and age of each, and whether dangerous or otherwise, and for what length of time they

(a) See sect. 64.



authority given to two justices, add "not under proper care and control," or "and is cruelly treated [or neglected] by the person having the care or charge of him," as may appear to the justices to be the case], and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A. B.* as a patient into your asylum [or hospital, or house]. Subjoined is a statement respecting the said *A. B.*

(Signed) *C. D.*

\* A justice of the peace for the city or borough of [or an or the officiating clergyman of the parish of ].

(Signed) *E. F.*

The relieving officer of the union or parish of [or an overseer of the parish of ].

Dated the       day of       one thousand eight hundred       .  
To       superintendent of the asylum for the  
county of       or the lunatic hospital  
of       or proprietor of the licensed house  
of       [describing the asylum, hospital or  
house].

NOTE.—Where the order directs the lunatic to be received into any asylum other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it should state that the justice or justices or other persons making the order is or are satisfied that there is no asylum of such county or borough, or that the asylum or asylums thereof is or are full, or (as the case may require) the special circumstances by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

#### Statement.

[If any Particulars in this Statement be not known, the Fact to be so stated.]

Name of patient, and Christian name, at length.

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any).

The religious persuasion, as far as known.

Previous place of abode.

Whether first attack.

Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

\* To be signed by two justices, where required by the foregoing Act.

Parish or union to which the lunatic is chargeable (if a pauper or destitute lunatic).

Name and Christian name and place of abode of the nearest known relative of the patient, and degree of relationship (if known).

I certify that to the best of my knowledge the above particulars are correctly stated.

(Signed)

[In the case of a pauper to be signed by the relieving officer or overseer.]

### SCHEDULE (F.), No. 3 (a).

#### *Form of Medical Certificate.*

I, the undersigned, [*here set forth the qualification entitling the person certifying to practise as a physician, surgeon or apothecary, ex. gra., "being a fellow of the Royal College of Physicians in London,"*] and being in actual practice as a [*physician, surgeon, or apothecary, as the case may be,*] hereby certify, that I, on the            day of            at            [*here insert the street and number of the house (if any) or other like particulars,*] in the county of            [*in any case where more than one medical certificate is required by this Act, here insert separately from any other medical practitioner,*] personally examined *A. B.* of [*insert residence and profession or occupation, if any,*] and that the said *A. B.* is a [*lunatic, or an idiot, or a person of unsound mind,*] and a proper person to be taken charge of and detained under care and treatment, and that I have formed this opinion upon the following grounds; viz:

1. Facts indicating insanity observed by myself [*here state the facts*].

2. Other facts (*if any*) indicating insanity communicated to me by others [*here state the information, and from whom*].

(Signed)

Place of abode.

Dated this            day of            one thousand eight hundred and            .

### SCHEDULE (F.), No. 4.

#### *Notice of Admission.*

I hereby give you notice, that *A. B.* was admitted into this asylum as a private [*or pauper*] patient on the            day of            , and I hereby transmit a copy of the order and statement and medical certificates [*or certificate*] on which he was received.

[If a private patient be received upon one certificate only, the special circumstances which have prevented the patient from being examined by two medical practioners to be here stated, as in the statement accompanying the order for admission.]

Subjoined is a statement with respect to the mental and bodily condition of the above-named patient.

(Signed)

Clerk of the asylum.

Dated the                      day of                      one thousand eight hundred and                      .

### Statement.

I have this day [some day not less than two clear days after the admission of the patient] seen and examined the patient mentioned in the above notice, and hereby certify that with respect to mental state he [or she]                      and that with respect to bodily health and condition he [or she]                      .

(Signed)

Medical officer of the asylum.

Dated the                      day of                      one thousand eight hundred and                      .

### SCHEDULE (F.), No. 5.

#### *Form of Notice of Discharge, Removal or Death.*

I hereby give you notice, that                      pauper [or a private] patient admitted into this asylum on the                      day of                      was discharged therefrom recovered [or relieved, or not improved], or was removed to [mentioning the asylum, &c.], relieved [or not improved], by the authority of                      , [or died therein in the presence of                      ,] on the                      day of                      .

(Signed)

Clerk of the asylum.

Dated the                      day of                      one thousand eight hundred and                      .

In case of death, add, "I certify that the apparent cause of death of the said                      [as ascertained by post mortem examination (if so)] was"

(Signed)

Medical officer of the asylum.

## 16 &amp; 17 VICT. CHAP. 107.

AN ACT to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions. [20th August, 1853.]

Officer of  
customs not  
to serve in  
public offices.

\* \* \* \* \*

VII. No commissioner, officer, clerk, or other person acting in the management or collection of the customs shall be compelled to serve in the militia or on any jury or inquest, or to assume the office of a mayor or sheriff, or to act in any corporate, parochial, or other public office.

\* \* \* \* \*

## 16 &amp; 17 VICT. CHAP. 119.

AN ACT for the Suppression of Betting Houses. [20th August, 1853.]

Application of  
penalties.

\* \* \* \* \*

IX. One half of every pecuniary penalty which shall be adjudged to be paid under this Act shall be paid to the informer, and the remaining half shall be applied in aid of the poor rate of the parish in which the offence shall have been committed, and shall be paid for that purpose to the overseer or other person authorized to receive poor rates in such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then the justices by whom such penalty shall be adjudged to be paid shall direct such remaining half thereof to be applied in aid of the poor rate of such extra-parochial place, or, if there shall not be any poor rate therein, in aid of the poor rate of any adjoining parish or district.

\* \* \* \* \*

## 16 &amp; 17 VICT. CHAP. 134.

AN ACT to amend the Laws concerning the Burial of the Dead in England beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis. [20th August, 1853.]

\* \* \* \* \*

Certain pro-  
visions of  
Metropolitan

VII. All the provisions contained in the said Act of the last session of parliament, chapter eighty-five, "to amend the Laws concerning the Burial of the Dead in the Metropolis," from

section ten to section forty-two (both inclusive) of the said Burial Act, 15 & 16 Vict. Act, and also in sections forty-four, fifty, fifty-one, and fifty-two of the said Act, shall extend and be applicable to and in respect c.85, extended to parishes, of any parish not in the metropolis, and for the purpose of &c. not in the metro- providing a burial ground for any such parish, or otherwise polis. providing for the interment of the bodies of persons who would have had right of interment in the burial ground of any such parish, and generally in relation to every such burial ground to be so provided, and the fees and payments to be received in respect of interment or other rights therein and otherwise, as if such sections were re-enacted in this Act, and the words "in the metropolis," wherever they occur in such sections, or any of them, were omitted; and section forty-nine of the said Act shall extend to all cemeteries already established and hereafter to be established under the authority of parliament in like manner as to those mentioned in Schedule (B.) to that Act, and as respects the cemeteries to which such section is hereby extended, the same shall also apply in respect of burials at the expense of any hospital or infirmary in like manner as to burials at the expense of a union or parish : \* \* \*

\* \* \* \* \*

### 17 & 18 VICT. CHAP. 38.

#### AN ACT for the Suppression of Gaming Houses.

[24th July, 1854.]

\* \* \* \* \*

VIII. One half of any pecuniary penalty which shall be Application of adjudged to be paid under this Act shall be paid to the person penalties. laying the information upon which the conviction takes place, and the remaining half shall be applied in aid of the poor rate of the parish in which the offence shall have been committed, and shall be paid for that purpose to the overseer or other person authorized to receive poor rates in such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then the justices by whom such penalty shall be adjudged to be paid shall direct such remaining half thereof to be applied in aid of the poor rate of such extra-parochial place, or if there shall not be any poor rate therein, in aid of the poor rate of any adjoining poor rate or district.

\* \* \* \* \*

#### APPLICATION OF PENALTY.

Where a conviction under 17 & 18 Vict. c. 38, took place at a police *Decision on* court in the metropolis, and a penalty was adjudged to be paid and was *sect. 8.* paid, the receiver of the metropolitan police district was entitled to claim one half of the penalty, under 2 & 3 Vict. c. 71, s. 47: *Wray v. Ellis*, 28 L. J. M. C. 45.

17 & 18 VICT. CHAP. 87.

AN ACT to make further Provision for the Burial of the Dead in England beyond the Limits of the Metropolis.  
[10th August, 1854.]

	*	*	*	*	*
Burial ground to be deemed to be for the parishes in the borough.	VII. The burial ground or burial grounds provided for any borough under this Act shall be deemed to be provided for such parish or parishes wholly or in part situate in such borough as the town council shall determine.				
	*	*	*	*	*

17 & 18 VICT. CHAP. 104.

AN ACT to amend and consolidate the Acts relating to Merchant Shipping.  
[10th August, 1854.]

	*	*	*	*	*
<i>Apprentice-ships to sea service.</i>	CXLI. All shipping masters appointed under this Act shall, if applied to for the purpose, give to any board of guardians, overseers, or other persons desirous of apprenticing boys to the sea service, and to masters and owners of ships requiring apprentices, such assistance as is in their power for facilitating the making of such apprenticeships, and may receive from persons availing themselves of such assistance such fees as may be determined in that behalf by the board of trade, with the concurrence so far as relates to pauper apprentices in England, of the poor law board in England, and so far as relates to pauper apprentices in Ireland, of the poor law commissioners in Ireland.				
Shipping masters to assist in binding apprentices, and may receive fees.					
Indentures of boys bound apprentices to sea service by guardians or overseers to be witnessed by two justices.	CXLII. In the case of every boy bound apprentice to the sea service by any guardians or overseers of the poor, or other persons having the authority of guardians of the poor, the indentures shall be executed by the boy and the person to whom he is bound in the presence of and shall be attested by two justices of the peace, who shall ascertain that the boy has consented to be bound, and has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom the boy is to be bound is a proper person for the purpose.				
Indentures of apprenticeship to be exempt from stamp duty, and to be recorded.	CXLIII. All indentures of apprenticeship to the sea service shall be exempt from stamp duty; and all such indentures shall be in duplicate; and every person to whom any boy whatever is bound as an apprentice to the sea service in the United Kingdom shall within seven days after the execution of the indentures take or transmit the same to the registrar general of				

seamen or to some shipping master; and the said registrar or shipping master shall retain and record one copy, and shall indorse on the other that the same has been recorded and shall re-deliver the same to the master of the apprentice; and whenever any such indenture is assigned or cancelled, and whenever any such apprentice dies or deserts, the master of the apprentice shall, within seven days after such assignment, cancellation, death, or desertion, if the same happens within the United Kingdom, or if the same happens elsewhere, so soon afterwards as circumstances permit, notify the same either to the said registrar of seamen, or to some shipping master, to be recorded; and every person who fails to comply with the provisions of this section shall incur a penalty not exceeding ten pounds.

*Apprenticeships to sea service.*

CXLIV. Subject to the provisions hereinbefore contained, all apprenticeships to the sea service made by any guardians or overseers of the poor, or persons having the authority of guardians of the poor, shall, if made in Great Britain, be made in the same manner and be subject to the same laws and regulations as other apprenticeships made by the same persons (a).

Rules to govern apprenticeship of paupers in Great Britain and Ireland respectively.

\* \* \* \* \*

CXCII. Whenever during the absence of any seaman on a voyage his wife, children, and step-children, or any of them, become or becomes chargeable to any union or parish in the United Kingdom, such union or parish shall be entitled to be reimbursed out of the wages of such seaman earned during such voyage any sums properly expended during his absence in the maintenance of his said relations, or any of them, so that such sums do not exceed the following proportions of his said wages; (that is to say,)

*Relief to seamen's families out of poor rates.*

Relief to seamen's families to be chargeable on a certain proportion of their wages.

1. If only one of such relations is chargeable, one half of such wages.
2. If two or more of such relations are chargeable, two-thirds of such wages.

But if during the absence of the seaman any sums have been paid by the owner to or on behalf of any such relation as aforesaid, under an allotment note given by the seaman in his, her, or their favour, any such claim for reimbursement as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sum so paid.

CXCIII. For the purpose of obtaining such reimbursement as aforesaid, the guardians of the union or parish, where the relief of the poor is administered by guardians, and the overseers of the poor of any other parish in England, and the guardians or other persons having the authority of guardians in any union in Ireland, and the inspector of the poor in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon

Notice to be given to owner, and charge to be enforced on the return of the seaman.

*Relief to seamen's families out of poor rates.*

---

which it is intended to make the claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on such return to give to such guardians, overseers, persons, or inspector notice in writing of such return; and such owner, after receiving such notice as aforesaid, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim; and the said guardians, overseers, persons, or inspector may upon the seaman's return apply in a summary way in England or Ireland to any two justices having jurisdiction in such union or parish as aforesaid, and in Scotland to the sheriff of the county, for an order for such reimbursements as aforesaid; and such justices or sheriff may hear the case, and may make an order for such reimbursement to the whole extent aforesaid, to such lesser amount as they or he may under the circumstances think fit; and the owner shall pay to such guardians, overseers, persons, or inspector, out of the seaman's wages, the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman; and if no such order as aforesaid is obtained within the period mentioned in the notice so to be given to the owner as aforesaid, the proportion of wages so to be retained by him as aforesaid shall immediately on the expiration of such period, and without deduction, be payable to the seaman.

Notice to be given to owner, and charge to be enforced on the return of the seaman.

CXCIII. For the purpose of obtaining such reimbursement as aforesaid, the guardians of the union or parish, where the relief of the poor is administered by guardians, and the overseers of the poor of any other parish in England, and the guardians or other persons having the authority of guardians in any union in Ireland, and the inspector of the poor in Scotland, may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make the claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring such owner immediately on such return to give to such guardians, overseers, persons, or inspector notice in writing of such return; and such owner, after receiving such notice as aforesaid, shall be bound to retain the said proportion of wages, and to give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim; and the said guardians, overseers, persons, or inspector may upon the seaman's return apply in a summary way in England or Ireland to any two justices having jurisdiction in such union or parish as aforesaid, and in Scotland to the sheriff of the county, for an order for such reimbursements as aforesaid; and such justices or sheriff may hear the case, and may make

an order for such reimbursement to the whole extent aforesaid, to such lesser amount as he or they may under the circumstances think fit; and the owner shall pay to such guardians, overseers, persons, or inspector, out of the seaman's wages, the amount so ordered to be paid by way of reimbursement, and shall pay the remainder of the said wages to the seaman; and if no such order as aforesaid is obtained within the period mentioned in the notice so as to be given to the owner as aforesaid, the proportion of wages so to be retained by him as aforesaid shall immediately on the expiration of such period, and without deduction, be payable to the seaman.

\* \* \* \* \*

CCXI. The governors, consular officers, and other officers of Her Majesty in foreign countries shall, and in places where there are no such governors or officers any two resident British merchants may, provide for the subsistence of all seamen or apprentices, being subjects of Her Majesty, who have been shipwrecked, discharged, or left behind at any place abroad, whether from any ship employed in the merchant service or from any of Her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power or to the subject of any foreign state, and who are in distress in any place abroad, until such time as they are able to provide them with a passage home, and for that purpose shall cause such seamen or apprentices to be put on board some ship belonging to any subject of Her Majesty bound to any port of the United Kingdom, or to the British possession to which they belong (as the case requires), which is in want of men to make up its complement, and in default of any such ship shall provide them with a passage home as soon as possible in some ship belonging to a subject of Her Majesty so bound as aforesaid, and shall indorse on the agreement of any ship on board of which any seaman or apprentice is so taken or sent the name of every person so sent on board thereof, with such particulars concerning the case as the board of trade requires, and shall be allowed for the subsistence of any such seaman or apprentice such sum per diem as the board of trade from time to time appoints; and the amount due in respect of such allowance shall be paid out of any monies applicable to the relief of distressed British seamen, and granted by parliament for the purpose, on the production of the bills of the disbursements, with the proper vouchers.

\* \* \* \* \*

CCXXVIII. The following rules shall be observed with respect to expenses attendant on illness and death, that is to say:—

1. If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to

*Leaving seamen abroad.*

Distressed seamen found abroad may be relieved and sent home at the public expense.

*Provisions, health, and accommodation.*

Expense of medical attendance

*Provisions,  
health, and  
accommoda-  
tion.*

and subsist-  
ence in case of  
illness, and of  
burial in case  
of death, how  
to be defrayed.

some port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some British possession to some port in such possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice.

2. If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines and of his subsistence whilst away from the ship, shall be defrayed in like manner.
3. The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner.
4. In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

\* \* \* \* \*

*Mercantile  
marine fund.*

Property used  
for the pur-  
poses of Parts  
III. and VI.  
of Act to be  
exempt from  
all rates and  
taxes.

CCCCXXX. All lighthouses, buoys, beacons, and light dues, and all other rates, fees, or payments accruing to or forming part of the said fund, and all premises or property belonging to or occupied by any of the said general lighthouse authorities or the board of trade, which are used or applied for the purposes of any of the services for which such dues, rates, fees, and payments are received, and all instruments or writings used by or under the direction of any of the said general lighthouse authorities or the board of trade in carrying on the said services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind.

\* \* \* \* \*

*Legal  
procedure  
(general).*

Service to be  
good if made  
personally, or  
on board ship.

DXII. Service of any summons or other matter in any legal proceeding under this Act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

## 17 &amp; 18 VICT. CHAP. 105.

AN ACT to amend the Laws relating to the Militia in England  
and Wales.  
[11th August, 1854.]

\* \* \* \* \*

II. \* \* \* and no place provided for the keeping of Storehouse to  
militia stores under this or the recited Acts, nor any buildings be exempt  
or premises appurtenant thereto, shall be liable to be assessed from local  
to any county, borough, parochial or other local rates or  
assessments. \* \* \*

\* \* \* \* \*

## 17 &amp; 18 VICT. CHAP. 120.

AN ACT to repeal certain Acts and parts of Acts relating to  
Merchant Shipping, and to continue certain Provisions in the  
said Acts.  
[11th August, 1854.]

\* \* \* \* \*

XVI. If a native of any country in Asia (*a*), Africa, or of any  
of the islands in the South Sea or the Pacific Ocean, or of any  
other country not having any consul in the United Kingdom, masters of  
is brought to the United Kingdom in any ship, British or ships leaving  
foreign, as a seaman, and is left in the United Kingdom, and certain seamen  
within six months of his being so left becomes chargeable upon in distress in  
the poor rate, or commits any act by reason of the committal this country.  
whereof he is liable to be convicted as an idle and disorderly  
person, or any other act of vagrancy, the master or owner of  
the said ship, or in case of a foreign ship the person who is  
consignee of the ship at the time of the seaman being so left as  
aforesaid, shall incur a penalty not exceeding thirty pounds,  
unless he can show that the person so left as aforesaid quitted  
the ship without the consent of the master, or that due means  
have been afforded by such master, owner, or consignee, or one

(*a*) See 18 & 19 Vict. c. 91, s. 22.

## EXEMPTION OF MILITIA STOREHOUSE.

A place provided for keeping militia stores, &c., including a residence for *Decision on*  
the officer charged with the care of them, and his family, is exempt from 17 & 18 Vict.  
rates by 17 & 18 Vict. c. 105, s. 2, although it may to some extent exceed c. 105, s. 2.  
what may be necessary for the stores at any particular time, provided it be  
not used for other purposes than those of the Act: *Reg. v. Fuller*, 3 Com.  
L. R. 872, Q. B.; 25 L. T. 141.

of them, to such person, of returning to his native country, or to the country in which he was shipped; and the court inflicting such penalty may order the whole or any part of such penalty to be applied towards the relief or sending home of such person.

\* \* \* \* \*

18 & 19 VICT. CHAP. 34.

AN ACT to provide for the Education of Children in the Receipt of Out-door Relief. [26th June, 1855.]

“ WHEREAS it is expedient that means should be taken to provide education for the young children of poor persons who are relieved out of the workhouse:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,—

Guardians may grant relief to enable poor persons to educate their children.

I. That the guardians of any union or any parish in England wherein the relief to the poor is administered by a board of guardians may, if they deem proper, grant relief for the purpose of enabling any poor person lawfully relieved out of the workhouse to provide education for any child of such person between the ages of four and sixteen in any school to be approved of by the said guardians for such time and under such conditions as the said guardians shall see fit (b).

Poor law board may regulate proceedings, &c.

II. Provided, that the poor law board may at any time issue their order to regulate the proceedings of the guardians with reference to the mode, time, or place in or at which such relief shall be given or such education received.

Education not a condition of relief.

III. Provided also, that it shall not be lawful for the guardians to impose as a condition of relief that such education shall be given to any child of the person requiring relief.

Cost of relief how to be charged.

IV. The cost of the relief so given for the education of any such child shall be charged to the same account as the other relief granted by the said guardians to the same poor person, and may be given by the said guardians and recovered by them as a loan, under the same circumstances and in like manner as such other relief.

Orphans and deserted children may be relieved.

V. In the case of any child of such age as aforesaid relieved out of the workhouse, which child has been deserted by its parents or surviving parent, or both whose parents are dead, it shall be lawful for such guardians in their discretion, and with the like power of regulation on the part of the poor law board

(b) See 25 & 26 Vict. c. 43, s. 1; 33 & 34 Vict. c. 48, s. 1; and 33 & 34 Vict. c. 75, ss. 17 and 74 (3).

as aforesaid, to grant relief for the purpose of providing education for such child in any such school as aforesaid.

VI. The words used in this Act shall be construed in like manner as the words contained in the Act of the fifth of William the Fourth, chapter seventy-six, and the several Acts incorporated therewith. Act to be construed with 5 Will. IV. c. 76.

### 18 & 19 VICT. CHAP. 70.

AN ACT for further promoting the Establishment of Free Public Libraries and Museums in Municipal Towns, and for extending it to Towns governed under Local Improvement Acts, and to Parishes. [30th July, 1855.]

\* \* \* \* \*

IX. At the termination of every year (the year being reckoned from and exclusive of the day of the first appointment of commissioners) a meeting of the vestry shall be held, at which meeting one third or as nearly as may be one third of the commissioners, to be determined by ballot, shall go out of office, and the vestry shall appoint other commissioners in their place, but the outgoing commissioners may be re-elected; and the vestry shall fill up every vacancy among the commissioners, whether occurring by death, resignation, or otherwise, as soon as possible after the same occurs. One third of such commissioners to go out of office yearly, and others to be appointed, &c.

\* \* \* \* \*

XII. The commissioners shall keep distinct and regular accounts of their receipts, payments, credits, and liabilities with reference to the execution of this Act, which accounts shall be audited yearly by the poor law auditor, if the accounts of poor rate expenditure of the parish be audited by a poor law auditor, but if not so audited, then by two auditors not being commissioners, who shall be yearly appointed by the vestry, and the auditor or auditors shall report thereon, and such report shall be laid before the vestry by the commissioners. Distinct accounts to be kept by commissioners, and duly audited.

### 18 & 19 VICT. CHAP. 79.

AN ACT to amend the Law regarding the Burial of poor Persons by Guardians and Overseers of the Poor.

[30th July, 1855.]

“WHEREAS by the Act of the eighth year of the reign of Her Majesty, chapter one hundred and one, provisions were made for the burial of poor persons by guardians and overseers of the poor: And whereas, in consequence of the closing of the burial grounds in many parishes, and the want of adequate space in others, great difficulty is frequently found in carrying into exe- 7 & 8 Vict. c. 101, s. 31.

cution the above provisions, and it is expedient that other provisions should be made:" Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same :

Where burial ground of parish closed or overcrowded, guardians or overseers may bury in neighbouring parish.

I. That where the guardians of any union or parish, or any of their officers duly authorized in that behalf, or the overseers of any parish not under a board of guardians, shall undertake the burial of any poor person, or shall contribute money or other aid towards the same, and the burial cannot take place in the parish where, according to the provisions of the said Act, the same would have been required to take place, by reason of the public burial ground of such parish having been closed, and no other having been provided, or where, in consequence of the crowded state of such burial ground, the guardians or overseers respectively are of opinion that the burial of such dead body therein would be improper, it shall be lawful to bury such body in a public burial ground (some part of which has been consecrated) of or in some other parish as near as conveniently may be to the parish wherein the burial would have been required to take place according to the provisions of the said Act: Provided, that in all cases of burial under the direction of the guardians or their officers, or of the overseers, as aforesaid, the fee or fees payable by the custom of the place where the burial may be, or under the provisions of any Act of parliament, shall be paid by the said guardians or overseers for the burial of each such body, to the person or persons who by such custom or under such Act of parliament shall be entitled to receive such fee or fees (*a*).

Power to enter into agreements with cemetery companies or burial boards.

II. The guardians of any union or parish, or the overseers of any parish not under a board of guardians, may from time to time enter into agreements with the proprietors of any cemetery established under the authority of parliament, or with any burial board duly constituted under the statutes in that behalf, for the burial of the dead bodies of any poor persons which such guardians or overseers may undertake to bury, or towards the burial whereof they may render assistance; and thereupon the burial of any such body, under the directions of the said guardians or their officer, or of such overseers, or with their aid respectively, in such cemetery, or in the burial ground of such burial board (unless the deceased person, or the husband or wife or next of kin of such deceased person, have otherwise expressly desired,) shall be lawful: Provided, however, that no such agreement shall be valid unless made in such form and with such stipulations as the poor law board shall approve.

(*a*) See 7 & 8 Vict. c. 101, s. 31; c. 97, s. 120; and 18 & 19 Vict. 11 & 12 Vict. c. 110, s. 3; 12 & 13 c. 105, ss. 11, 12. Vict. c. 103, s. 17; 16 & 17 Vict.

III. The words contained in this Act shall be construed in like manner as in the Act of the fifth year of King William the Fourth, chapter seventy-six, and in the several Acts incorporated therewith (b).

Construction of words to be as in 4 & 5 Will. IV. c. 76, &c.

## 18 &amp; 19 VICT. CHAP. 91.

AN ACT to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854. [14th August, 1855.]

\* \* \* \* \*

XXII. It shall be the duty of the East India Company (c) to take charge of and send home or otherwise provide for all persons, being Lascars or other natives of the territories under the government of the said company, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the secretary of the court of directors of the East India Company, specifying, so far as is practicable, the following particulars; viz.,—

1. The name of the person so relieved or maintained:
2. The presidency or district or part of the territories of the East India Company of which he professes to be a native:
3. The name of the ship in which he was brought to the United Kingdom:
4. The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival:

And the said East India Company shall repay to the said overseers, guardians, or other persons, out of the revenues of the said company, all monies duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given (d).

\* \* \* \* \*

*Miscellaneous.*

PART XI. of Merchant Shipping Act, 1854.

Relief of destitute Lascars.

(b) See 4 & 5 Will. 4, c. 76, s. 109. (c) See 21 & 22 Vict. c. 106.

(d) See 17 & 18 Vict. c. 120, s. 16.

## 18 &amp; 19 VICT. CHAP. 105.

AN ACT to amend the Lunatic Asylums Act, 1853, and the Acts passed in the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics.

[14th August, 1855.]

\* \* \* \* \*

Provisions to apply to councils of boroughs where they have taken upon themselves the duties and powers of justices.

16 & 17 Vict. c. 97.  
8 & 9 Vict. c. 126.

VI. Where the council of a borough has taken upon itself, under the Lunatic Asylums Act, 1853, or the Act of the session holden in the eighth and ninth years of Her Majesty, chapter one hundred and twenty-six, the duties, powers, and authorities imposed or conferred upon or given to the justices of the borough, such council shall be subject to and have and exercise the duties, powers, and authorities by this Act imposed or conferred upon the justices of a borough, or any committee elected by them; and such council may confer upon any committee appointed by them such of the said duties, powers, and authorities as under this Act are or may be conferred upon a committee elected by the justices of a borough; and where the council of a borough had before the commencement of the Lunatic Asylums Act, 1853, taken upon itself under the said Act of the eighth and ninth years of Her Majesty, chapter one hundred and twenty-six, the duties, powers, and authorities imposed or conferred upon or given to the justices of the borough, such council shall, from the commencement of the Lunatic Asylums Act, 1853, be deemed to have been subject to and to have had the duties, powers, and authorities by that Act imposed or conferred upon the justices of a borough, or any committee elected by them, and to have been authorized to confer upon any committee appointed by such council such of the said duties, powers, and authorities as under such Act may be conferred upon a committee elected by the justices of a borough.

Places becoming boroughs after commencement of Lunatic Asylums Act, 1853, to be deemed boroughs annexed to counties in which they are situate.

VII. Any place which has become a borough within the definition contained in section one hundred and thirty-two of the Lunatic Asylums Act, 1853, since the commencement of that Act, shall, from and after the passing of this Act, be deemed to be a borough annexed to the county in which the same is situate, and any place which after the passing of this Act becomes a borough within such definition shall, from and after the time of becoming such borough, be deemed a borough so annexed, and the provisions contained in section nine in the Lunatic Asylums Act, 1853, for the appointment of two justices of a borough annexed thereunder to a county to be members of the committee of visitors of the asylum of such county, and in relation to the contribution by such borough to the expenses of the asylum of such county, shall extend to any borough annexed under this enactment.

Powers given by sect. 77 of Lunatic Asylums Act,

VIII. The power given by section seventy-seven of the Lunatic Asylums Act, 1853, to any two of the visitors of any asylum, being justices, to order any pauper lunatic chargeable

to any parish or union within the county or borough, or any county or borough to which such asylum wholly or in part belongs, or to any such county, and who may be confined in any other asylum, or in any registered hospital or licensed house, to be removed to such first-mentioned asylum, shall be extended so as to authorize such visitors to order any pauper lunatic chargeable to any parish or union within any county or borough, or to any county for the reception of the pauper lunatics whereof into such first-mentioned asylum there is a subsisting contract, and who may be confined as aforesaid, to be removed to such first-mentioned asylum, and also to order any such pauper lunatic as hereinbefore mentioned to be removed from such first-mentioned asylum to any asylum, registered hospital, or licensed house, subject nevertheless to the restriction contained in section seventy-eight of the Lunatic Asylums Act, 1853 (a).

1853, to visitors of an asylum to order removal of pauper lunatics extended.

\* \* \* \* \*

X. Whereas doubts have been entertained whether under the forty-second section of the Lunatic Asylums Act, 1853, a contract for the reception of pauper lunatics thereby authorized can be renewed: Be it declared and enacted, that upon or after the expiration or other determination of any contract for any of the purposes of the said section it shall be lawful for every committee of visitors, under and subject to the several provisions of the said Act applicable thereto, from time to time to enter into a new contract for any of the purposes mentioned in the said section with the committee of visitors of any asylum, or with the subscribers to any hospital registered or the proprietor of any house licensed for the reception of lunatics, and for the committee of visitors of any asylum, or the subscribers to any registered hospital or the proprietor of any licensed house, to contract with any committee of visitors accordingly.

Contracts under 16 & 17 Vict. c. 97, s. 42, may be renewed.

XI. Where the visitors of lunatic asylums for counties and boroughs in England, or any of their officers duly authorized in that behalf, shall undertake the burial of any pauper lunatic, and the burial cannot take place in the parish where the death shall have taken place by reason of the public burial ground of such parish having been closed, and no other having been provided, or where, in consequence of the crowded state of such burial ground, the visitors as aforesaid are of opinion that the burial of such dead body therein would be improper, it shall be lawful to bury such body in a public burial ground of or in some other parish as near as conveniently may be to the parish wherein the death shall have taken place, with the consent of the minister and churchwardens of such parish: Provided, that in all cases of burial under the direction of the visitors or their officers as aforesaid the fee or fees payable by the custom of the place where the burial may be, or under the provisions of any Act of parliament, shall be paid by the said visitors for

Provision for burial of pauper lunatics.

Power to enter into agreements with cemetery company or burial board.

Committee of visitors may convey land for burial ground for lunatics, &c. dying in the asylum.

the burial of each such body to the person or persons who by such custom or under such Act of parliament shall be entitled to receive such fee or fees (a).

XII. The visitors of lunatic asylums in England may from time to time enter into agreements with the proprietors of any cemetery established under the authority of parliament, or with any burial board duly constituted under the statutes in that behalf, for the burial of the dead bodies of any pauper lunatics which such visitors may undertake to bury; and thereupon the burial of any such body, under the directions of the said visitors or their officer, in such cemetery, or in the burial ground of such burial board, shall be lawful: Provided, however, that no such agreement shall be valid unless made in such form and with such stipulations as the commissioners in lunacy shall approve (b).

XIII. "And whereas it is expedient that burial grounds should be provided for persons dying in any county or borough lunatic asylum built or to be built under the authority of any Act of parliament for the reception of pauper lunatics:" Be it therefore enacted, that it shall be lawful for every committee of visitors of any county or borough lunatic asylum, or for any trustees or trustee in whom any land shall be vested for the purposes of an asylum, with the previous consent of one of Her Majesty's principal secretaries of state under his hand, to give, grant, and convey to Her Majesty's commissioners for building new churches, and it shall be lawful for them to accept any portion not exceeding two statute acres of any land which belongs to or has been or may be purchased for any such asylum, for the purpose of consecration as a burial ground for pauper or other lunatics or officers or servants dying in such asylum, and that in all such cases the freehold of every burial ground, of which Her Majesty's said commissioners shall accept a conveyance under the provisions of this Act for the purpose of consecration, shall after the same burial ground shall have been consecrated, vest in the visitors or trustees or trustee, as the case may be, for the time being, of the county or borough lunatic asylum to which such burial ground shall belong, and be for ever thereafter exclusively appropriated for the burial of pauper and other lunatics dying in such asylum, and of the officers and servants belonging to such asylum and dying therein; and that from and after the consecration of such land the incumbent of the parish in which such burial ground is situate shall not be entitled to any fee for the interment therein of any pauper or other lunatic dying in such asylum, or of any of the officers and servants belonging to such asylum and dying therein (c).

\* \* \* \*

(a) See 7 & 8 Vict. c. 101, s. 31; c. 97, s. 120; and 18 & 19 Vict. 11 & 12 Vict. c. 110, s. 3; 12 & 13 c. 79, ss. 1, 2.  
Vict. c. 103, s. 17; 16 & 17 Vict. (b) See 18 & 19 Vict. c. 79, s. 2.  
(c) See 25 & 26 Vict. c. 111, s. 9.

XV. In all cases in which, under the Lunatic Asylums Act, 1853, or the Act of the session holden in the eighth and ninth years of Her Majesty, chapter one hundred, or the Act of the session holden in the sixteenth and seventeenth years of Her Majesty, chapter ninety-six, any order or other instrument is required to be under the hand and seal or hands and seals of any visitor or visitors, justice or justices, it shall be sufficient for such order or instrument to be signed only; and all such orders and instruments as aforesaid which have been signed before the passing of this Act, and have not had a seal or seals affixed to them, as by law required, shall be and be deemed to have been valid and sufficient to justify any proceedings thereon or thereunder.

Seals of visitors and justices, to orders, &c. dispensed with.  
16 & 17 Vict. c. 97.  
8 & 9 Vict. c. 96.

\* \* \* \* \*

XVII. The superintendent of any registered hospital may, with the consent in writing of two members of the committee having the management or government of such hospital, send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; and any such consent, and any consent under section eighty-six of the said Act of the eighth and ninth years of Her Majesty, chapter one hundred, may be from time to time renewed and the place varied (d).

Consent of committee sufficient to authorize a patient being sent to any place for health.  
8 & 9 Vict. c. 100.

\* \* \* \* \*

XIX. This Act, so far as the same amends or affects the said Acts of the eighth and ninth years of Her Majesty, chapter one hundred, and of the sixteenth and seventeenth years of Her Majesty, chapter ninety-six, or either of them, shall be read and construed together with the said Acts as one Act, and the provision contained in section one hundred and six of the said Act of the eighth and ninth years of Her Majesty shall extend to offences against this Act; and this Act, so far as the same amends or affects the Lunatic Asylums Act, 1853, shall be read and construed therewith as one Act.

Act to be read with the Acts amended as one Act, and 8 & 9 Vict. c. 100, s. 6, extended to this Act.

## 18 & 19 VICT. CHAP. 120.

AN ACT for the better Local Management of the Metropolis.  
[14th August, 1855.]

“WHEREAS it is expedient that provision should be made for the better local management of the metropolis in respect of the sewerage and drainage, and the paving, cleansing, lighting, and improvements thereof:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present

parliament assembled, and by the authority of the same, as follows :

*Election of Vestries and Auditors in Parishes in  
Schedules (A.) and (B.)*

1 & 2 Will. IV.  
c. 60, repealed  
so far as re-  
gards parishes  
in Schedules  
(A.) and (B.)

I. The Act of the session holden in the first and second years of King William the Fourth, chapter sixty, " For the better Regulation of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes of England and Wales," shall be repealed from and after the passing of this Act, so far as regards any parish mentioned in either of the Schedules (A.) and (B.) to this Act : Provided always, that the vestry and auditors already elected for any such parish under the said Act shall continue to be such vestry and auditors until the first election of vestrymen and auditors for such parish under this Act has taken place, but no longer ; and the provisions of the said Act of King William the Fourth shall continue applicable to every such vestry and to their proceedings, and the books in which the same are entered, and to such auditors and their proceedings accordingly.

Vestries in pa-  
rishes named  
in either of the  
Schedules (A.)  
and (B.) to  
consist of not  
less than 18 or  
more than 120  
persons quali-  
fied and  
elected as after  
provided.

II. The vestry in every parish mentioned in either of the Schedules (A.) and (B.) to this Act shall consist of a certain number of persons qualified and elected as herein provided ; (that is to say,) eighteen vestrymen for every parish in which the number of rated householders shall not exceed one thousand ; and six additional vestrymen, that is, twenty-four vestrymen for every parish in which the number of rated householders shall exceed one thousand ; and twelve additional vestrymen, that is, thirty-six vestrymen for every parish in which the number of rated householders shall exceed two thousand ; and so on at the proportion of twelve additional vestrymen for every thousand rated householders : Provided always, that in no case the number of vestrymen shall exceed one hundred and twenty : Provided also, that the incumbent and churchwardens of each such parish shall constitute a part of the vestry, and shall vote therein, in addition to the elected vestrymen ; Provided also, that every district rector now constituting in any such parish a part of the vestry thereof shall continue to constitute a part of the vestry thereof under this Act : Provided also, that where in any parish the whole number of persons qualified to be vestrymen shall not amount to eighteen, the vestry thereof shall consist of so many persons as are so qualified, anything in this Act to the contrary notwithstanding.

Such parishes  
with more  
than 2,000  
rated house-  
holders to be  
divided into  
wards.

III. Each of the said parishes which at the time of the passing of this Act contains more than two thousand rated householders shall be divided into wards ; and it shall be lawful for such person or persons as may be appointed for this purpose as herein provided to determine and set out, on or before the tenth day of October next, the number, extent, limits, and boundary lines of such wards, but so nevertheless that no ward shall contain less than five hundred rated householders, and that the

whole number of wards in any parish shall not exceed eight ; and the person or persons setting out such wards in any parish shall apportion among the several wards the number of vestrymen to be elected for such parish, and shall, in assigning the number of vestrymen to each ward, have regard, as far as in his or their judgment it is practicable, as well to the number of persons rated to the relief of the poor in each ward as to the aggregate amount of the sums at which all such persons are rated ; and the number of vestrymen assigned to each ward shall be a number divisible by three ; and a copy of the particulars of such division and apportionment shall be forthwith transmitted to one of Her Majesty's principal secretaries of state, and also to the vestry clerk of the parish to which such division and apportionment relate ; and if Her Majesty, by the advice of her privy council, approve of such division and apportionment, the particulars thereof shall be published in the *London Gazette* ; and the parish shall, after such publication, be deemed to be divided into such wards so determined and set out, and such division shall continue and be in force until the same be altered as herein provided ; and the number of vestrymen assigned to each ward shall be the number to be elected for such ward until altered as aforesaid : Provided always, that if Her Majesty, by advice of her privy council, do not approve such division and apportionment, such publication as aforesaid shall nevertheless be made, and such division and apportionment be in force for the purpose of any election under the provisions of this Act, until such time as Her Majesty, by advice of her privy council, upon further information and report from any such person or persons, definitively approve the division of such parish into wards, and of the number of vestrymen assigned to each ward in manner hereinbefore mentioned : Provided also, that where any parish is already divided into wards under any local Act such parish shall be deemed to be divided into such wards for the purposes of this Act, without any division of such parish into wards being made as hereinbefore provided, but the number of vestrymen to be elected for such parish shall be apportioned as aforesaid among the wards of such parish by such person or persons as may be appointed for that purpose as herein provided.

\* \* \* \* \*

V. When at any time, upon any account taken of the population by the authority of parliament, the relative numbers of the inhabited houses in the several wards of any parish divided into wards as aforesaid are found to have varied from those shown by the last previous census, it shall be lawful for the metropolitan board of works, upon the application of the vestry or any rate-payers of such parish, to alter the number of vestrymen assigned to such wards or any of them, but so that the number of vestrymen assigned to each ward shall be a number divisible by three.

If relative population of wards vary in future census, numbers of vestrymen may be altered.

VI. The vestry elected under this Act in any parish shall consist of persons rated or assessed to the relief of the poor of vestrymen.

upon a rental (*a*) of not less than forty pounds per annum; and no person shall be capable of acting or being elected as one of such vestry for any parish unless he be the occupier of a house, lands, tenements, or hereditaments in such parish, and be rated or assessed as aforesaid upon such rental as aforesaid within such parish: Provided always, that in any parish in which the number of poor rate assessments at forty pounds or upwards does not exceed one-sixth of the whole number of such assessments it shall not be necessary, in order to qualify a person to be a vestryman, that the amount of rental upon which he is rated or assessed as aforesaid exceed twenty-five pounds: Provided also, that the joint occupation of any such premises as aforesaid, and a joint rating in respect thereof, shall be sufficient to qualify each joint occupier in case the amount of rental on which all such occupiers are jointly rated will when divided by the number of occupiers, give for each such occupier a sum not less than the amount hereinbefore required (*b*).

As to the first election of vestrymen under this Act.

VII. The first election of vestrymen under this Act in every parish shall be holden in the month of November next after the passing of this Act, and between the fifth and twenty-first days of that month, and the day on which such election shall commence shall be appointed by the churchwardens of the parish, and twenty-one days previously to the day of election notice of such election shall be given in manner hereinafter directed concerning notice of election of vestrymen and auditors, and the next such election shall take place on such day in the month of May in the year one thousand eight hundred and fifty-seven as the vestry shall appoint, and every subsequent election shall take place annually in the month of May in every year as the vestry appoint.

The full number of vestrymen to be chosen at first election, and existing vestries superseded.

VIII. At the first such election of vestrymen as aforesaid for any parish the full number of elective vestrymen of which such vestry is to consist as hereinbefore mentioned shall be elected, and such vestrymen, with such other persons as hereinbefore mentioned, shall forthwith be deemed to constitute the vestry of such parish, and shall supersede any existing vestry therein, and exercise the powers and privileges held by such existing vestry, save as in this Act otherwise provided; and the authority of such vestry may be pleaded before any justice or justices of the peace or in any court of law in regard to all parochial property or monies due, or holdings or contracts, or other documents of the like nature, under the control or in the keeping of such existing vestry; and all parish officers or boards shall account to them in like manner as they are by law liable to account to such existing vestry.

As to the term of office of vestrymen elected at first

IX. One third of the vestrymen first elected under this Act in any parish, or, where such parish is divided into wards under this Act, in each ward of such parish, shall go out of office at

the time appointed for the election of vestrymen in the year one thousand eight hundred and fifty-seven, one other third of them at the time appointed for such election in the year one thousand eight hundred and fifty-eight, and the remaining third at the time appointed for such election in the year one thousand eight hundred and fifty-nine; and the vestry shall, at some meeting before the time of the election in one thousand eight hundred and fifty-seven, determine by lot which of the members first elected shall constitute the one third to go out of office in the years one thousand eight hundred and fifty-seven and one thousand eight hundred and fifty-eight respectively; and all members from time to time elected at the annual elections after the first election shall go out of office at the time appointed for the annual election in the third following year, except such members as are elected to supply vacancies occasioned otherwise than by effluxion of time; and such last-mentioned members shall go out of office at the respective times when the terms of office of the members in whose places they are respectively elected would have expired by effluxion of time.

election, and  
as to future  
elections.

X. At every election of vestrymen under this Act, except the first, for any parish or any ward of any parish, the parishioners of such parish entitled to vote in such election shall elect as many vestrymen as there are vacancies in the vestry, or among the vestrymen elected for such ward, whether such vacancies be occasioned by the expiration of the term of office, or by death or otherwise.

Vacancies to  
be filled up at  
annual elec-  
tions.

XI. For every parish mentioned in either of the Schedules (A.) and (B.) to this Act there shall be elected such number as hereinafter mentioned of the rate-payers of the parish who have signified in writing their assent to serve to be auditors of accounts, which auditors shall be so elected at the same times and in the same manner as members of the vestry: and the number of rate-payers so to be elected auditors in any parish not divided into wards under this Act shall be five, and the number of rate-payers so to be elected auditors in any parish which is divided into wards shall be the same as the number of wards, one auditor being elected in each ward: Provided always, that where the number of wards into which any parish is divided exceeds five, the vestry of such parish shall at their first meeting after the election of auditors as aforesaid, in any year, elect by ballot from among such auditors five of them, and the five persons so elected by ballot shall be the auditors for such parish exclusively of any other person or persons who may have been elected an auditor or auditors for such parish under the provisions herein contained; and a list of the five persons so elected by the vestry shall be forthwith published by the churchwardens in the parish as herein provided: Provided also, that no person shall be eligible to fill the office of auditor of accounts who is not qualified to fill the office of vestryman for the parish (c); but no person shall be eligible to fill the office of

Appointment  
of auditors of  
accounts for  
parishes in  
Schedules (A.)  
and (B.)

auditor who is a member of the vestry; and if any person be chosen to be both a member of the vestry and auditor of accounts he shall be incapable of acting as a vestryman.

As to the term  
of office of  
auditors.

XII. The auditors first elected under this Act in any parish as aforesaid shall go out of office at the time appointed for the election of vestrymen and auditors in the year one thousand eight hundred and fifty-seven, and the auditors then elected and to be thereafter elected shall go out of office at the election of vestrymen and auditors in the year next following their election.

Notice of  
elections.

XIII. The churchwardens of every parish mentioned in either of the said Schedules (A.) and (B.), which is not divided into wards shall, on some Sunday at least twenty-one days previously to the day of annual election of vestrymen, cause to be published in such parish as herein provided (a) a notice according to the following form:—

“ Parish of [*here insert name of parish.*]

“ The parishioners duly qualified according to the provisions of the Act of the session holden in the eighteenth and nineteenth years of the reign of Queen Victoria, intituled ‘ An Act ’ [*here insert the title of the Act*], are hereby required to meet at                      day of                      conformably to the provisions of the said Act, and then and there to consider of and elect fit and proper persons to be vestrymen and auditors of accounts of the parish of                      for the ensuing year [*the words ‘ for the ensuing year ’ to be omitted in the notice of the first election*]; that is to say,

“                      Members of the vestry,  
“                      Auditors of accounts.”

And the churchwardens of every such parish as aforesaid which is divided into wards shall at the time aforesaid cause to be published as herein provided, in each ward of the parish, a notice according to the following form:—

“ Parish of                      , ward of [*inserting the parish and ward*].

“ The parishioners duly qualified according to the provisions of the Act of parliament of the session holden in the eighteenth and nineteenth years of the reign of Queen Victoria, intituled ‘ An Act ’ [*here insert the title of this Act*], are hereby required to meet at                      on the                      day of                      conformably to the provisions of the said Act, and then and there to consider of and elect                      fit and proper persons to be vestrymen and an auditor of accounts of the parish of                      for the ward of                      for the ensuing year [*the words ‘ for the ensuing year ’ to be omitted in the notice of the first election*].”

Churchwar-  
dens to ap-  
point persons  
to preside at  
ward elections.

XIV. Where any parish is divided into wards, the churchwardens, three clear days at least before the day of election, shall appoint in writing under their hands a person to preside at such election as aforesaid in each of the said wards, except

any ward in which one of the churchwardens shall preside, and notify such appointment to the vestry clerk of the parish.

XV. The rate collectors, or persons appointed by them, shall attend the churchwardens and persons presiding at elections under this Act, and inspectors of votes, to assist in ascertaining that the persons presenting themselves to vote are parishioners rated to the relief of the poor in the parish, or the respective wards thereof, and duly qualified to vote at the election. Rate collectors to assist at the elections.

XVI. On the day of election of vestrymen and auditors in any parish under this Act the parishioners then rated to the relief of the poor in the parish, or, where the parish is divided into wards under this Act, in the ward thereof for which the election is holden, and who are desirous of voting, shall meet at the place appointed for such election, and shall then and there nominate two rate-payers of the parish, or (if the parish be divided into wards) of the ward for which the election is holden, as fit and proper persons to be inspectors of votes; and the churchwardens, or, in the case of a ward election, such one of the churchwardens as is present thereat, or, where one of the churchwardens is not present, the person appointed by them to preside thereat, shall, immediately after such nomination as aforesaid by the parishioners, nominate two other such rate-payers to be such inspectors; and after such nominations the said parishioners shall elect such persons duly qualified as may be there proposed for the offices of vestrymen and auditors or auditor; and the chairman at such meeting shall declare the names of the parishioners who have been elected by a majority of votes at such meeting: Provided nevertheless, that no person shall be entitled to join or vote in any such election for any parish, or any ward of any parish, or be deemed a rate-payer thereof, or be entitled to do any act as such under this Act, unless he have been rated in such parish to the relief of the poor for one year next before the election, and have paid all parochial rates, taxes, and assessments due from him at the time of so voting or acting, except such as have been made or become due within six months immediately preceding such voting or acting (*b*).

XVII. Provided always, that any five rate-payers may then and there, in writing or otherwise, demand a poll, which shall be taken by ballot on the day next following, and shall commence at eight of the clock in the forenoon and close at such hour as hereinafter mentioned; that is to say, at six of the clock in the afternoon in the case of any election to be holden in November one thousand eight hundred and fifty-five, and at eight of the clock in the afternoon in all other cases; each rate-payer depositing as hereinafter provided two folded papers, one of which papers shall contain the names of the persons for whom such parishioner may vote as fit and proper to be members of the vestry, and the other shall contain the names or name of the persons or person for whom such parishioner may Power to demand a poll, which shall be taken by ballot.

(*b*) See 25 & 26 Vict. c. 102, ss. 36, 37.

vote as fit and proper to be auditors or auditor of accounts ; and each rate-payer shall have one vote and no more for the members of the vestry, and one vote and no more for the auditors or auditor of accounts to be chosen in the said parish or ward.

Duty of inspectors of votes.

XVIII. The persons voting shall deposit such folded papers in two separate sets of balloting glasses or boxes, one set for voting papers for members of vestry, and another set for the voting papers for auditors or an auditor ; and the said balloting glasses or boxes shall be closed at the time hereinbefore fixed for the closing of the poll ; and the inspectors for the parish or ward (as the case may be), shall forthwith meet together, and proceed to examine the said votes, and if necessary shall continue the examination by adjournments from day to day, not exceeding two days (Sunday excepted), until they have decided upon the persons duly qualified according to the provisions of this Act who may have been chosen to fill the aforesaid offices.

Provision for case of equality of votes.

XIX. In case an equality of votes appear to the aforesaid inspectors to be given for any two or more persons to fill either of the said offices, the inspectors shall decide by lot upon the person to be chosen.

If in the interval between elections the vestry of any parish be reduced below two thirds, the vacancies to be filled up as herein named.

XX. If in the interval between any election under this Act of vestrymen in any parish and the time at which the next election would in the absence of this enactment have taken place the number of such vestrymen be reduced below two thirds of the full number, so many vestrymen as may be requisite for filling up such number shall be forthwith elected in like manner as in the case of the annual election of such vestrymen, and the provisions of this Act shall be applicable in the case of such election accordingly, save that the notice of election shall be varied from the form prescribed by this Act so far as may be necessary, and where such parish is divided into wards under this Act, each ward shall supply the vacancies among the members elected for the same ; and every vestryman elected under this enactment shall go out of office at the time when the term of office of the person in whose place he is elected would have expired by effluxion of time.

Penalty for forging or falsifying any voting paper or obstructing the election.

XXI. If any person knowingly personate and falsely assume to vote in the name of any parishioner entitled to vote in any election under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any parishioner voting in any such election, or by any contrivance attempt to obstruct or prevent the purposes of any such

#### INSPECTOR'S RETURN.

Decision on sect. 18.

At a vestry election holden under 18 & 19 Vict. c. 120, R., a person not duly qualified, had more votes for the office of vestryman than a person duly qualified. The inspectors of votes returned in their list the latter. The court refused a rule *nisi* for a *mandamus* to the inspectors to return the name of R. : *Reg. v. St. Pancras*, 7 E. & B. 954.

election, the person so offending shall, upon conviction before any two or more justices of the peace having jurisdiction in the parish, be liable to a penalty of not less than ten and not more than fifty pounds, and in default of payment thereof shall be imprisoned for a term not exceeding six nor less than three months.

XXII. The inspectors shall, immediately after they have decided upon whom the aforesaid elections have fallen, deliver to the churchwardens, or to one of them, or other the person presiding at the election, a list of the persons chosen by the parishioners to act as vestrymen and auditors or an auditor of accounts; and the said list, or a copy thereof, shall be published in the parish as herein provided.

A list of persons elected vestrymen and auditors to be published.

XXIII. If any inspector wilfully make or cause to be made an incorrect return of the said votes, every such offender shall, upon information laid by any person before two or more justices of the peace having jurisdiction in the parish, and upon conviction for such offence, be liable to a penalty of not less than twenty-five pounds and not exceeding fifty pounds.

Penalty on inspector for making incorrect return.

XXIV. The vestry of every parish mentioned in either of the Schedules (A.) and (B.) to this Act shall provide such places as may be requisite for holding elections of vestrymen and auditors under this Act, and taking the poll thereat; and the expenses of providing such places, of publishing notices, of taking the poll, and of making the return at elections of vestrymen and auditors, shall be paid out of the poor rates of the parish by order of the vestry: Provided always, that the places requiring to be provided for the first election under this Act of vestrymen and auditors in any parish shall be provided by the churchwardens, and the expenses of providing the same shall be paid out of the poor rates, upon their order.

Vestries to provide places for holding elections, and pay expenses of taking poll, &c.

XXV. The provisions hereinbefore contained shall, so far as concerns any parish in either of the said Schedules (A.) and (B.) in which there are no churchwardens, be construed as referring to the overseers of the poor instead of the churchwardens.

As to parishes having no churchwardens.

XXVI. Every notice and list hereinbefore required to be published in any parish or ward of any parish shall be so published by being fixed in some public and conspicuous situation, on the outside of the outer door or outer wall near the door of every church and public chapel in such parish or ward, including places of public worship which do not belong to the Established Church, and if there be no such building as aforesaid, then in some public and conspicuous situation within such parish or ward.

How notices and lists to be published.

XXVII. If any churchwarden, overseer, rate collector, or other parish officer refuse or neglect to call any meeting, or give any notice, or do any other act required of him under the provisions of this Act, he shall be deemed guilty of a misdemeanor.

Non-compliance with Act a misdemeanor.

XXVIII. All powers or duties to be performed by the vestry of any parish under this Act may be exercised and performed

Quorum of vestries.

respectively by the major part of such vestry assembled at any meeting, there being not less than five vestrymen present at a meeting of a vestry which consists of not more than eighteen elected vestrymen, and not being less than seven vestrymen present at a meeting of a vestry which consists of twenty-four elected vestrymen and no more, and not being less than nine vestrymen present at a meeting of a vestry which consists of thirty-six elected vestrymen or upwards; and at every such meeting all questions shall be decided by the votes of the majority of the vestrymen present, and the vestry may act notwithstanding any vacancies therein.

Meetings not to be holden in the church.

XXIX. In any case in which the vestry room of any such parish as aforesaid is not sufficiently large and commodious for any vestry meeting, such meeting shall be held elsewhere within the said parish, but not in the church or chapel thereof.

Meeting to elect a chairman.

XXX. At every meeting of any vestry under this Act, in the absence of the persons authorized by law or custom to take the chair, the members present shall elect a chairman for the occasion before proceeding to other business, and the chairman, in case of an equality of votes on any question, shall have a second or casting vote.

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*Incorporation of Vestries and District Boards.*

District boards and vestries of parishes in Schedule (A.) incorporated.

XLII. The board to be constituted as aforesaid for every such district shall be a body corporate by the name of "The Board of Works for the District," and the vestry of every parish mentioned in Schedule (A.) to this Act shall be a body corporate by the name of "The Vestry of the Parish of in the county of ;" and every such board and vestry shall by such name respectively have perpetual succession and a common seal, and shall sue and be sued, and have power and authority (without any licence in mortmain) to take, purchase, and hold land for the purposes of this Act.

\* \* \* \* \*

Minutes of proceedings of metropolitan and district boards and of vestries to be entered.

LX. Entries of all proceedings of the Metropolitan Board of Works and every such district board, and of any such vestry, with the names of the members who attend each meeting, shall be made in books to be provided and kept for that purpose, under the direction of the board or vestry, and shall be signed by the members present, or any two of them; and all entries purporting to be so signed shall be received as evidence, without proof of any meeting of the board or vestry having been duly convened or held, or of the presence at any such meeting of the persons named in any such entry as being present thereat, or of such persons being members of the board or vestry, or of the signature of any person by whom any such entry purports to be signed, all which matters shall be presumed until the contrary be proved; and every such board and vestry shall provide and keep books in which shall be entered true and regular

accounts of all sums of money received and paid by them, or under their authority, and of all liabilities incurred by them, and of the several purposes for which such sums of money are received and paid and such liabilities incurred, and copies of all contracts entered into by any such board or vestry.

LXI. All such books shall at all reasonable times be open to the examination of every member of the board and vestry respectively to which such books belong, and of every owner of property, churchwarden, overseer, and ratepayer within the metropolis, as regards books of the said metropolitan board, and of every owner of property, churchwarden, overseer and ratepayer within any district or parish, as regards books belonging to the district board or vestry thereof (as the case may be), and of every creditor on the rates raised under this Act by any such board or vestry respectively, without fee or reward, and they respectively may take copies of or extracts from such books or any part thereof, without paying for the same; and in case the members of the board or vestry, or any of them, or any of the officers or servants of the board or vestry, having the custody of the said books, being thereunto reasonably requested, refuse to permit or do not permit any such owner of property, churchwarden, overseer, ratepayer, or creditor to examine the same, or take any copies or extracts every such member, officer, or servant so offending shall for every such offence, upon a summary conviction thereof before two justices, forfeit any sum not exceeding ten pounds.

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#### *Duties and Powers of Vestries and District Boards.*

LXVII. Where in the provisions hereinafter contained any expression is used referring to the vestry of a parish, such expression shall be construed as referring only to the vestry of a parish mentioned in Schedule (A.) to this Act, unless such construction be repugnant to the context.

\* \* \* \*

XC. All the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish mentioned in Schedule (A.) to this Act, or any part of such parish, now vested in any commissioners, or in any body other than the vestry of such parish, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish or part, or of the inhabitants thereof (except such duties, powers, and authorities as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto (a)), now vested under any local Act of parliament in

All books to be open to inspection.

Meaning of "vestry" in following provisions.

All powers relating to paving, &c. to be vested in vestries and in district boards.

(a) See 19 & 20 Vict. c. 112, s. 3.

any commissioners, or in any body other than the vestry of such parish, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the vestry of such parish under this Act; and all the duties, powers, and authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any parish included in any district mentioned in Schedule (B.) to this Act, or any part of such parish, now vested in any commissioners, vestry or other body, or in any officer of any commissioners or other body, and all other duties, powers, and authorities in anywise relating to the regulation, government, or concerns of any such parish, or part, or of the inhabitants thereof (except such duties, powers, and authorities as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, so far as such duties, powers, and authorities relate thereto), now vested under any local Act of parliament in any commissioners, vestry, or other body, or in any such officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the board of works for such district; and the provisions of every such Act of parliament as aforesaid shall be applicable to the vestry of every parish mentioned in the said Schedule (A.) and to every such district board accordingly, and the offices of all commissioners and persons whose powers are determined by this Act shall cease and be determined, and there shall be no new appointment or election to any such office.

#### TRANSFER OF POWERS TO NEW VESTRY.

*Decisions on  
sect. 90.*

Where the making of the rates was vested in the vestry by a local Act, such power was, by the Metropolis Local Management Acts (18 & 19 Vict. c. 120, ss. 8, 90 and 19 & 20 Vict. c. 112, s. 3), transferred to the new vestry: *Vaughan v. Imray*, 33 L. T. 29; 28 L. J. M. C. 78; 3 Jur. (N. S.) 980.

The parish of St. John, Southwark, was, previous to the passing of the Metropolis Local Management Act, governed by certain local Acts, by which it was provided that the vestrymen should appoint governors and directors of the poor, who should make out the poor rates for the said parish; but it was held, that since the passing of the above-mentioned Acts, the old vestry had no longer the power of appointing the governors and directors, but that the power of doing so was vested in the new vestry: *Reg. v. Rendle*, in re *St. John, Southwark*, 30 L. J. M. C. 135; 1 E. B. & E. 54; 25 J. P. 565; 7 Jur. (N. S.) 1072.

The power to make a rate under a local Act to pay the clergyman's stipend was held to be transferred to the new vestry by 18 & 19 Vict. c. 120, s. 90, and 19 & 20 Vict. c. 112, s. 3, though if the vestry failed to make the rate, the churchwardens might still make it under the local Act: *Reg. v. Stretfield*, 32 L. J. M. C. 236.

#### DEMAND TO BE RATED.

Under this Act a demand of an inhabitant to be inserted in the rate book as a ratepayer should be made upon the vestry of the parish, and not upon the overseers: *Reg. v. Islington*, 8 L. T. (N. S.) 331; 32 L. J. M. C. 257.

XCI. Provided always, that save as regards the appointment of auditors, nothing in this Act shall divest the vestry of any parish, or any commissioners or burial board appointed by any vestry, of any powers or property vested in them respectively under the provisions of the Act of the session holden in the ninth and tenth years of Her Majesty, chapter seventy-four, or any Act amending the same, or under the provisions of the Act of the session holden in the fifteenth and sixteenth years of Her Majesty, chapter eighty-five, or any Act amending the same, or in anywise affect the provisions of any of the said Acts: and nothing in this Act shall extend to or affect any rights, privileges, powers, or authorities vested in any persons in reference to any market, or any powers or rights for or in relation to the administration of any charitable trusts, save that any powers or rights in relation to any such trusts vested or which would have become vested in the existing vestry of any parish shall be vested in the vestry of such parish as constituted by this Act.

Saving as to  
baths and  
washhouses,  
metropolitan  
burials, mar-  
kets, and cha-  
ritable trusts  
Acts.

\* \* \* \* \*

CXXXII. Every vestry (a) and district board shall from time to time appoint one or more legally qualified medical practitioner or practitioners of skill and experience to inspect and report periodically upon the sanitary condition of their parish or district, to ascertain the existence of diseases, more especially epidemics increasing the rate of mortality, and to point out the existence of any nuisance or other local causes which are likely to originate and maintain such diseases, and injuriously affect the health of the inhabitants, and to take cognizance of the fact of the existence of any contagious or epidemic diseases, and to point out the most efficacious mode of checking or preventing the spread of such diseases, and also to point out the most efficient modes for the ventilation of churches, chapels, schools, lodging houses, and other public edifices within the parish or district, and to perform any other duties of a like nature which may be required of him or them; and such persons shall be called "medical officers of health;" and it shall be lawful for the vestry or board to pay to every such officer such salary as they think fit, and also to remove any such officer at the pleasure of such vestry or board.

Vestries and  
district boards  
to appoint me-  
dical officers  
of health.

CXXXIII. Every vestry and district board shall nominate and appoint such number of persons to be inspectors of nuisances in their parish or district as the vestry or board may think fit; and the inspectors of nuisances shall superintend and enforce the due execution of all duties to be performed by the scavengers employed or contracted with under this Act, and report to the vestry or district board the existence of any nuisances; and the vestry or board shall require every such inspector to provide and keep a book in which shall be entered all complaints made by any inhabitant of the parish or district of any infringement of the provisions of this Act, or of any bye-laws made thereunder, or of nuisances; and every such inspector shall forthwith inquire

Appointment  
of inspectors  
of nuisances.

(a) See sect. 67.

into the truth or otherwise of such complaints, and report upon the same to the vestry or board at their next meeting; and such report, and the order of the vestry or board thereon, shall be entered in a book, which shall be kept at their office, and shall be open at all reasonable times to the inspection of any inhabitant of the parish or district; and it shall be the duty of such inspector, subject to the direction of the vestry or board, to make complaints before any justices, and take legal proceedings for the punishment of any person for any offence under this Act or any such bye-laws.

Vestries and district boards to be the local authorities to execute the Nuisances Removal Acts.

CXXXIV. Every vestry and district board under this Act shall execute, within their respective parish or district, all the duties and powers exerciseable under the Nuisances Removal and Diseases Prevention Act, 1848, and the Nuisances Removal and Diseases Prevention Act, 1849, by any commissioners or other body, or any officers having under any Act powers of cleansing, and shall be the local authority to execute any Act passed or to be passed in the present session amending or repealing the said Acts or either of them.

\* \* \* \* \*

*Provisions for defraying Expenses of Vestries and District Boards.*

How sums to be raised by vestries and district boards for defraying their expenses.

CLVIII. Every vestry and district board shall from time to time, by order under their seal, require the overseers of their parish, or of the several parishes in their district, to levy, and to pay over to the treasurer of such vestry or board, or into any bank in such order mentioned, and within the time or times thereby limited, the sums which such vestry or board may require for defraying the expenses of the execution of this Act (and such orders may be made wholly or in part in respect of expenses already incurred or of expenses to be thereafter incurred); and every such vestry and board shall distinguish in their orders sums required for defraying expenses of constructing, altering, maintaining, and cleansing the sewers, or otherwise connected with sewerage, and also, where the Act of the session holden in the third and fourth years of King William the Fourth, chapter ninety, or any other Act by virtue whereof land is rated in respect of expenses of lighting at a less amount in proportion to the annual value thereof than houses, or is wholly exempted from being rated in respect of such expenses, is in force in any parish, or any part of any parish, at the time of the passing of this Act, distinguish, as regards such parish, or part, the sums required for defraying expenses of lighting their parish or district from sums required for defraying other expenses of executing this Act; but every such vestry and board may cause to be raised as expenses connected with sewerage such portion of the expenses incident to the conduct of their business in relation to sewerage, in common with the conduct of their other business under this Act, as to such vestry or board may seem just; and the overseers or collectors, in the receipts to be given

for the sums levied or collected by them, shall distinguish the rate in the pound required for sewerage expenses, and the rate required for the other expenses of this Act (a).

CLIX. Where it appears to any vestry or district board that all or any part of the expenses, for defraying which any sum is by such vestry or board ordered to be levied as aforesaid have or has been incurred for the special benefit of any particular part of their parish or district, or otherwise have or has not been incurred for the equal benefit of the whole of their parish or district, such vestry or board may, by any such order, direct the sum or sums necessary for defraying such expenses or any part thereof to be levied in such part, or exempt any part of such parish or district from the levy, or require a less rate to be levied thereon, as the circumstances of the case may require; and any such board may refrain, where any entire parish ought in their judgment to be so exempt, from issuing an order for levying any money thereon, notwithstanding they may issue an order or orders for levying sums upon any other parish or parishes in their district.

Vestries and boards may exempt parts not benefited by expenditure from payment.

CLX. Where part of any parish is placed for all or any of the purposes of this Act under the management of the vestry or district board of an adjoining parish or district, the sums which such vestry or board may require for defraying the expenses of executing this Act by such vestry or board in the part so placed under their management shall be from time to time paid, upon their orders, by the vestry of the parish whereof such part is so placed under the management of such other vestry or board, or if such parish is comprised in a district formed by this Act then by the district board of such district; and such sums shall be raised by the vestry or board upon whom such orders are made in like manner as if the expenses in respect whereof the same are required had been incurred by them in executing this Act.

Provisions for cases where part of a parish is placed under management of vestry or board of adjoining parish or district.

CLXI. The overseers of the poor of every parish to whom any such order as aforesaid is issued shall levy the amount mentioned therein according to the exigency thereof, and shall for that purpose make separate equal pound rates upon their parish, or the part thereof upon which any sum specified in such order is required to be levied, in respect of each sum thereby ordered to be levied; that is to say, a separate rate in respect of each sum ordered to be levied for defraying expenses connected with sewerage, to be called a sewers rate; a separate rate in respect of each sum ordered to be levied for defraying expenses of lighting (where a separate sum is ordered to be levied for defraying such expenses), to be called a lighting rate; and a separate rate in respect of each sum ordered to be levied for defraying other expenses of executing this Act, to be called a general rate; and shall make such respective rates of such amount in the pound on the annual value of the property rateable as will in their judgment, having regard to all circumstances, be sufficient to

Overseers to collect the rate in the same manner as the poor rate.

(a) See 32 & 33 Vict. c. 41, s. 20; and 32 & 33 Vict. c. 102, ss. 22, 24.

raise the sums specified in such order ; and such rates shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in the respective parishes, and shall be assessed upon the net annual value of such property ascertained by the rate for the time being for the relief of the poor ; and the said overseers shall, for the purpose of levying such rates, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor ; and all such rates shall be allowed in the same manner and be subject to all the same provisions in relation to appeal and to excusing persons from payment on account of poverty and otherwise, as the rate for the relief of the poor in the same parish ; and such overseers shall pay to the treasurer of the vestry or board, or otherwise, as in such order directed, the amount mentioned in the order, within the time or respective times specified for that purpose, and the excess, if any, which may have been levied beyond such amount, which excess shall be placed to the credit of the parish or part in which the same has been levied ; and the said overseers shall at the time of making any such payment deliver with the money a note in writing signed by them, specifying the amount so paid, which note shall be kept as a voucher for the receipt of that particular amount ; and the receipt of the treasurer of the vestry or board, or of any proper officer or person of or belonging to any bank into which such money is so paid, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount (a).

Public buildings and void spaces now rateable (except churches and burial grounds) to continue rateable.

CLXII. Provided always, that all such hospitals, public schools, and other public buildings, dead walls, and void spaces of ground as are now by law rateable to any rate for the costs and charges of paving or repairing the pavements within any parochial or other district, either separately or jointly with any other object or objects (except only places of religious worship, and burial grounds, or places which have been used for burial grounds, and are not used for any other purpose), shall be rateable under this Act to the like extent and for the like objects or purposes as they may now be rated, and the rates to be made in respect of such objects or purposes shall be payable by the persons now liable to pay the same, and be recoverable in like manner, as any rate to which such buildings and spaces of ground are now rateable as aforesaid in respect of the like objects or purposes.

Land to be rated to the sewers rate at one fourth its annual value.

CLXIII. Provided also, that any sewers rate raised under this Act shall, as regards all land used as arable, meadow, or pasture ground only, or as woodland, orchard, market garden, hop, herb, flower, fruit, or nursery ground, be assessed and levied in the proportion of one fourth part only of the net annual value of such land.

(a) See 32 & 33 Vict. c. 102, s. 24.

CLXIV. Provided also, that where any property was at the time of the issuing of the first commission under the said Act of the eleventh and twelfth years of Her Majesty, chapter one hundred and twelve, entitled to exemption from or to any reduction or allowance in respect of the sewers rate, such exemption, reduction, or allowance shall be observed and allowed in levying any sewers rate under this Act.

Existing exemptions in respect of sewers rate to be allowed.

CLXV. Provided also, that in every parish or part of a parish in which at the time of the passing of this Act the Act of the session holden in the third and fourth years of King William the Fourth, chapter ninety, is in force, the owners and occupiers of houses, buildings, and property other than land shall be rated to every lighting rate made under this Act at a rate in the pound three times greater than that at which the owners and occupiers of land shall be rated in such lighting rate; and in every parish or part of a parish in which under any other Act land is now rated in respect of expenses of lighting at a less amount in proportion to the annual value thereof than houses, or is now wholly exempted from being rated in respect of such expenses, such land shall continue to be rated to every lighting rate made under this Act at such less amount, or, where such land is now wholly exempted as aforesaid, shall be wholly exempted from such rate.

Existing exemptions of land from lighting rates to be allowed. 3 & 4 Will. IV. c. 90.

CLXVI. In case the amount ordered by any such order as aforesaid to be paid by the overseers of any parish be not paid in manner directed by such order and within the time therein specified for that purpose, it shall be lawful for any justice of the peace, upon the complaint by the vestry or board, or by any person authorized by them for this purpose, to issue his warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers; and in case the goods of all the overseers be not sufficient to pay the same, the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this Act, and shall be collected by the like methods.

Overseers, on non-payment of the rate, shall be distrained upon.

Arrears may be levied on the parish.

CLXVII. Where the vestry of any parish mentioned in Schedule (A.) to this Act make the rate for the relief of the poor in such parish, such vestry shall from time to time raise and levy the sums required for defraying their expenses of executing this Act in like manner as overseers are required to do with respect to the sums for which orders are made upon them by any vestry under this Act, and shall in raising such sums, act upon the like principles and have the like discretion as any

Provision for cases where the vestry of any parish in Schedule (A.) make the poor rate.

#### RATING WATER-PIPES, LAND, HOUSES, AND "OTHER THAN LAND."

Under 18 & 19 Vict. c. 120, s. 165, "property other than land" means property *ejusdem generis*, as houses and buildings; and a water company was rateable for its pipes laid under ground as occupiers of land, and therefore at the lower rate: *Southwark and Vauxhall Water Works Company v. St. Mary, Putney*, 3 Jur. (N. s.) 411. *Decisions on sect. 165.*

vestry making orders upon overseers under this Act ; and where any parishes maintain their poor in common by a common rate, the orders for levying any money by this Act directed to be made on the overseers of such parishes shall be made on the overseers by law authorized to levy such rate thereon, and such sums shall be levied by such overseers in manner provided by this Act, as if such parishes were one parish.

Special persons may be appointed to levy rates in certain cases.

CLXVIII. Any vestry or district board may, in case of any default or neglect of any overseers to pay the amount required by any such order as aforesaid within the time and in the manner directed by such order, and the said metropolitan board may, in case of any default or neglect of any vestry or district board to pay the amount required by any precept of the said metropolitan board within such time and in such manner as may be therein mentioned, appoint persons to levy any money required by such vestry or board for the purposes of this Act in any parish or district, and such persons shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations and penalties, with reference to the levying of such money, as any overseers would have had or been subject to with reference to levying any such money in pursuance of an order of the vestry or district board, or, where the same might be levied by the vestry under this Act, as such vestry would have had or been subject to with reference to levying the same.

\* \* \* \* \*

Power to metropolitan board, or any one authorized by them, to inspect rates made for county or part of county within the metropolis.

CLXXI. The clerk of the said metropolitan board, or any person authorized by the said board in this behalf, may from time to time inspect any rate made or to be made for any county, any part of which is within the metropolis ; and any basis or standard for the county rate of any such county, and any returns concerning all or any of the parishes and places, whether parochial or extra-parochial, in the metropolis, delivered or to be delivered in pursuance of any Act relating to county rates, and any rate made by the commissioners of sewers of the city of London, and any valuation on which the same is made, and may take copies or extracts from any such rates, basis, or standard returns or valuation, without payment of any fee or reward ; and if any person having the custody of any such rate, basis or standard, return or valuation, wilfully neglect or refuse to permit any such clerk or person authorized as aforesaid to inspect the same, or to take copies or extracts of or from the same, at all reasonable times, he shall forfeit for every such offence any sum not exceeding ten pounds (a).

Payment to be obtained from the city and from parishes by precepts to

CLXXII. For obtaining payment of the sums so assessed upon the city of London and the parishes mentioned in Schedules (A.) and (B.) to this Act, the said board shall issue precepts under their seal, requiring payment thereof to their treasurer, or unto any bank therein mentioned, within such

time as may be therein limited, and every such precept for any sum assessed upon the city of London shall be directed to the chamberlain of the said city; and every such precept for any sum assessed upon any parish mentioned in Schedule (A.) to this Act shall be directed to the vestry thereof; and every such precept for any sum assessed upon any district mentioned in Schedule (B.) to this Act, or any parish comprised therein, shall be directed to the board of works for such district; and where any such sum is assessed upon any part of any parish or district, the said metropolitan board shall specify in their precept the part of such parish or district upon which such sum is assessed.

\* \* \* \* \*

CLXXIV. All sums which any vestry or district board may be required to pay by such precepts as aforesaid shall be paid by such vestry and board respectively within such time as may be therein mentioned, and shall be raised in like manner as if the same were required by the said vestry or board for defraying the expenses of such vestry or board in the execution of their powers and duties under this Act in relation to the sewerage of their parish or district.

\* \* \* \* \*

CXCIV. In all parishes mentioned in the Schedules (A.) and (B.) to this Act, in which other boards have control over any part of the parochial expenditure, the auditors of accounts of the parish elected under this Act shall have the same power of examining the accounts and officers of the said boards as of examining the accounts and officers of the vestry, and shall audit the accounts of the said boards in the same manner as they audit the accounts of the vestry, and the accounts of the said boards shall not be subject to any other audit: Provided always, that nothing herein contained shall apply to accounts which if this Act had not been passed would have been subject to the audit of any auditor already or hereafter appointed under the authority of the Act of the session holden in the fourth and fifth years of King William the Fourth, chapter seventy-six, or any Act incorporated therewith.

\* \* \* \* \*

CXCIX. Every such vestry as aforesaid shall cause to be made out once at least in every year a list of the several freehold, copyhold, and leasehold estates, and of all charitable foundations and bequests, if any, belonging to the parish, and under the control of the vestry, the list to contain a true and

the chamberlain of the city and to vestries and district boards.

Payment by vestries, &c. of sums assessed by metropolitan board.

Accounts of other parochial boards to be audited by the auditors elected under this Act.

4 & 5 Will. IV c. 76.

Vestry to make out and publish yearly a list of estates, charities and be-

#### GUARDIANS HAVING POWERS OF RATING UNDER LOCAL ACT.

It is no objection to a rate made in pursuance of an order under the seal of the vestry, directed to the overseers of the parish, founded upon a precept of the Metropolitan Board of Works to the vestry, that the rate did not recite such precept and order of the vestry. In the particular case, the order of the vestry was properly directed to the guardians, who, under a local Act, were overseers within the meaning of s. 250 of 18 & 19 Vict. c. 120: *Christie v. St. Luke, Chelsea*, 4 Jur. (N. S.) 733.

*Decision on sect. 174.*

quests, &c.  
with the  
application  
thereof.

detailed account of the place where such estate or charitable foundation may be situate, or in what mode and security such bequest may be invested, specifying also the yearly rental of each, and the particular appropriation thereof, together with the names of the persons partaking of their benefit (except where such benefit shall be allotted to the poor of the parish generally), and to what amount in each case, and also stating the name and description of the persons in whom such estates are vested, and the names and description of the trustees for each charity ; and such lists shall be open for the inspection of the rate-payers at the office of the vestry clerk at the same time with the accounts when audited according to the provisions of this Act.

\* \* \* \* \*

### *Interpretation and Commencement of Act.*

Interpretation  
of terms.

CCL. In the construction of this Act “the metropolis” shall be deemed to include the city of London, and the parishes and places mentioned in the Schedules (A.), (B.), and (C.) to this Act ; “the city of London” shall be deemed to include all parts now within the jurisdiction of the commissioners of sewers for the city of London ; and the word “parish” shall include any place mentioned in Schedule (A.) to this Act, and any place or combination of places mentioned in Schedule (B.) to this Act, for which one or more member or members is or are to be elected to any district board ; the expression “the overseers of the poor” shall include any persons authorized to make and collect or cause to be collected the rate for the relief of the poor in any parish ; any expression referring to any rate or rates raised under this Act by the metropolitan board of works or any vestry or district board shall mean the sums and rates authorized to be raised by the said metropolitan board and the sums authorized to be raised by any vestry and district board respectively ; the word “owner” shall, except for the purpose of the provision of this Act requiring notice to be served on owners or reputed owners of land, before application to one of Her Majesty’s principal secretaries of state for his consent to exercise powers of taking land, or any right or easement in or over land, compulsorily, mean the person for the time being receiving the rackrent of the lands or premises in connexion with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent ; the word “street” shall apply to and include any highway (except the carriageway of any turnpike road) and any road, bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, bridge, lane, footway, square, court, alley, or passage ; the word “drain” shall mean and include any drain of, and used for the drainage of one building only, or premises within the same curtilage, and made

merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board; and the word "sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid, applies; and the word "ashpit" shall include "dustbin."

\* \* \* \* \*

## SCHEDULE (A.)

### PART I.

*Parishes each electing Two Members of the Metropolitan Board of Works.*

Saint Marylebone.

Saint Pancras.

Lambeth.

Saint George, Hanover Square.

Islington, Saint Mary.

Shoreditch, Saint Leonard.

### PART II.

*Parishes each electing One Member of the Metropolitan Board of Works.*

Paddington.

Saint Matthew, Bethnal Green.

Saint Mary, Newington, Surrey.

Camberwell.

Saint James, Westminster.

Saint James and Saint John, Clerkenwell, to be considered as one parish (a).

Chelsea.

Kensington, Saint Mary Abbot.

Saint Luke, Middlesex.

Saint George the Martyr, Southwark.

Bermondsey.

Saint George in the East.

Saint Martin in the Fields.

Hamlet of Mile End Old Town.

Woolwich.

Rotherhithe.

St. John, Hampstead.

(a) This parish is divided for ecclesiastical purposes, but it is only one parish for poor law purposes.—W. C. G.

## SCHEDULE (B.)

PARISHES UNITED INTO DISTRICTS FOR THE PURPOSES  
OF THE ACT.

## PART I.

*Districts each electing One Member of the Metropolitan  
Board of Works.*

Name of District.	Parishes.	Number of Members to be elected to district board.
Whitechapel District -	Saint Mary, Whitechapel - -	27
	Christchurch, Spitalfields - -	12
	Saint Botolph without Aldgate, in the County of Middlesex - -	6
	Holy Trinity, Minories - -	1
	Saint Katherine, Precinct of - -	1
	Mile End New Town, Hamlet of - -	6
	Liberty of Norton Folgate - -	3
	Old Artillery Ground - - -	1
	Tower, District of - - -	1
	TOTAL - - -	58
Westminster District -	Saint Margaret (a) - - -	30
	Saint John the Evangelist (a) - -	27
	TOTAL - - -	57
Greenwich District -	Saint Paul, Deptford, including Hatcham - - - -	21
	Saint Nicholas, Deptford - - -	6
	Greenwich - - - -	30
	TOTAL - - -	57
Wandsworth District -	Clapham - - - -	18
	Tooting Graveney - - -	3
	Streatham - - - -	9
	Saint Mary, Battersea, excluding Penge - - - -	12
	Wandsworth - - - -	9
	Putney, including Roehampton - -	6
	TOTAL - - -	57
Hackney District -	Hackney - - - -	51
	Saint Mary, Stoke Newington - -	6
	TOTAL - - -	57

(a) These two are one parish for poor law purposes, though two for ecclesiastical purposes.—W. C. G.

Name of District.	Parishes.	Number of Members to be elected to district board.
Saint Giles District -	Saint Giles in the Fields (b) - -	27
	Saint George, Bloomsbury (b) - -	21
	TOTAL - - -	48
Holborn District -	Saint Andrew Holborn above Bars - -	24
	Saint George the Martyr - -	9
	Saint Sepulchre, in the County of Middlesex - - -	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place - -	9
	The Liberty of Glasshouse Yard - -	1
	TOTAL - - -	49
Strand District -	Saint Anne, Soho - - -	18
	Saint Paul, Covent Garden - -	9
	Saint John the Baptist, Savoy, or Precinct of the Savoy - -	1
	Saint Mary-le-Strand - - -	3
	Saint Clement Danes - - -	15
	Liberty of the Rolls - - -	3
Fulham District -	TOTAL - - -	49
	Saint Peter and Saint Paul, Hammersmith - - -	24
	Fulham - - -	15
Limehouse District -	TOTAL - - -	39
	Saint Anne, Limehouse - - -	15
	Saint John, Wapping - - -	3
	Saint Paul, Shadwell - - -	6
	Ratcliffe, Hamlet of - - -	12
Poplar District -	TOTAL - - -	36
	All Saints, Poplar - - -	24
	Saint Mary, Stratford-le-Bow - -	9
	Saint Leonard, Bromley - - -	15
	TOTAL - - -	48
Saint Saviour's District	Christchurch - - -	15
	Saint Saviour (including the Liberty of the Clink) - - -	24
	TOTAL - - -	39

(b) These two are one parish for poor law purposes, though two for ecclesiastical purposes.—W. C. G.

## PART II.

*Districts united for electing One Member of the Metropolitan Board of Works.*

Name of District.	Parishes.	Number of Members to be elected to district board.
{ Plumstead District -  united with	Charlton next Woolwich - - -	9
	Plumstead - - - - -	12
	Eltham - - - - -	6
	Lee - - - - -	9
	Kidbrooke - - - - -	1
	TOTAL - - - - -	37
{ Lewisham District -	Lewisham, including Sydenham -	
	Chapelry - - - - -	24
	Hamlet of Penge - - - - -	3
	TOTAL - - - - -	27

## PART III.

*Parish and District united for electing One Member of the Metropolitan Board of Works.*

{ The parish of Rotherhithe,  united with  Saint Olave District {	Saint Olave - - - - -	12
	Saint Thomas, Southwark - - -	1
	Saint John, Horsleydown - - -	15
	TOTAL - - - - -	28

## SCHEDULE (C.)

The Close of the Collegiate Church of Saint Peter.	Lincoln's Inn.
The Charter House.	Gray's Inn.
Inner Temple.	Staple Inn.
Middle Temple.	Furnival's Inn.

## 18 &amp; 19 VICT. CHAP. 122.

AN ACT to amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

[14th August, 1855.]

\* \* \* \* \*

LXXX. In cases where a structure has been certified by a district surveyor, or such other surveyor as aforesaid, to be dangerous to its inmates, a justice of the peace may, if satisfied of the correctness of such certificate, upon the application of the said commissioners, by order under his hand direct any inmates of such structure to be removed therefrom by a constable or other peace officer, and if they have no other abode he may require them to be received into the workhouse established for the reception of the poor of the place in which such structure is situate.

\* \* \* \* \*

## 18 &amp; 19 VICT. CHAP. 126.

AN ACT for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases.

[14th August, 1855.]

\* \* \* \* \*

XIV. Where any charge is summarily adjudicated upon under this Act, or an offender is, under this Act, convicted by justices in petty sessions upon a plea of "guilty," it shall be lawful for the justices by whom such charge has been adjudicated upon or offender convicted, upon the request of any person who has preferred the charge or appeared to prosecute or give evidence against the person charged, if such justices think fit so to do, to grant a certificate to such person of the amount of the compensation which such justice may deem reasonable for his expenses, trouble, and loss of time therein, subject nevertheless to the regulations made or to be made as hereinafter mentioned; and every such certificate shall, when granted in England, have the effect of an order of court for the payment of the expenses of a prosecution made under the Act of the seventh year of King George the Fourth, chapter sixty-four, and the Acts amending the same, and when granted in Ireland shall have the effect of an order of court for the payment of the expenses of a prosecution made under the Act of the fifty-fifth year of King George

Justices may order payment of expenses.

7 Geo. IV. c. 64.

55 Geo. III. c. 91.

14 & 15 Vict.  
c. 55.

the Third, chapter ninety-one, and the Acts amending the same ; and the amount mentioned in such certificate shall be paid in like manner as the money mentioned in such order of court ; and all certificates to be granted under this Act shall be subject to the like regulations made or to be made in relation thereto as the certificates mentioned in the said Act of the seventh year of King George the Fourth to be granted by examining magistrates are or may be subject to under the Act of the session holden in the fourteenth and fifteenth years of Her Majesty, chapter fifty-five : Provided also, that the amount of the fees payable to the clerks of the magistrates in petty sessions, in respect of any proceeding under this Act, and of the fees payable to the clerks of the peace for filing the depositions, conviction, or certificate of dismissal aforesaid, and of all such expenses of apprehending the person charged, and detaining him in custody, and of such other expenses as are now by law payable when incurred before a commitment for trial, may be added to the certificate for compensation aforesaid, and paid in the like manner (*a*).

\* \* \* \* \*

### 18 & 19 VICT. CHAP. 128.

AN ACT further to amend the Laws concerning the Burial of the Dead in England (*b*). [14th August, 1855.]

\* \* \* \* \*

How burial grounds are to be provided for united parishes.

XI. Where a parish or place has been united with any other parish or place, parishes or places, for all or any ecclesiastical purposes, or where two or more parishes or places have heretofore had a church or a burial ground for their joint use, or where the inhabitants of several parishes or places have been accustomed to meet in one vestry for purposes common to such several parishes or places, it shall be lawful for the vestry or any meeting in the nature of a vestry of such several parishes or places in any of the cases aforesaid, and whether any one or more of such parishes or places do or do not separately maintain its own poor, to appoint a burial board, and from time to time to supply vacancies therein, and to exercise the same powers of authorization, approval, and sanction in relation to such burial board, and such other powers as under the said Acts and this Act are vested in the vestry of a parish or place separately maintaining its own poor ; and the burial board so appointed shall have all the powers for providing a burial ground for the common use of such several parishes or places, and for facilitating interments, and otherwise, as if such several parishes or places had been a parish separately maintaining its own poor ; and the expenses

(*a*) See 34 & 35 Vict. c. 108, s. 7.

(*b*) See 15 & 16 Vict. c. 85.

of the burial board appointed under this provision shall be borne by the several parishes or places for which such board is appointed, and shall be apportioned among them by such burial board in proportion to the value of the property in such several parishes or places as rated to the relief of the poor; and the sums required by the burial board in respect of the portion of such expenses to be borne by any such parish or place shall be paid out of the rates for the relief of the poor in such parish or place, in like manner as if such burial board had been appointed for such parish or place alone.

XII. The vestry or meeting in the nature of a vestry of any parish, township, or other district not separately maintaining its own poor (c), which has heretofore had a separate burial ground, may appoint a burial board, and from time to time supply vacancies therein, and may exercise the same powers of authorization, approval, and sanction in relation to such burial board, and such other powers as under the said Acts and this Act are vested in the vestry of a parish separately maintaining its own poor; and the burial board so appointed shall have all the powers for providing a burial ground and otherwise as if such parish, township, or other district had been a parish separately maintaining its own poor.

Burial boards may be appointed for certain townships, &c. which have had separate burial grounds.

XIII. Where any district (whether a parish or township or other subdivision) not separately maintaining its own poor, but forming part of a parish maintaining its own poor (a), or of an incorporation or other union maintaining the poor of the places comprised therein, by means of a common rate, shall have a burial board, or shall form part of a place or union of places not co-extensive with the area rated for the relief of the poor, and having one burial board, it shall be lawful for such respective burial board to issue their certificate to the overseers of such parish, or the overseers or other persons authorized to make and collect or cause to be collected such common rate (as the case may be), for payment of the sums required for the expenses of such burial board, or, where such district not separately maintaining its own poor forms part only of the area of the burial board, of the sums required in respect of the portion of such expenses to be borne by such district, in like manner as if such district had been a parish separately maintaining its own poor, and such overseers or persons authorized as aforesaid had been

Provision for expenses of burial boards of places not separately maintaining their own poor.

(c) See 29 & 30 Vict. c. 113, s. 18.

#### RATE ON PART OF PARISH.

Where a district of a parish is entitled, under 18 & 19 Vict. c. 128, s. 12, *Decision on* though not supporting its own poor, to appoint a separate burial board, the *sect. 12.* rest of the parish, *minus* the district, may appoint a burial board, and a poor-rate made for the purposes of the burial board on such part of the parish is good: *Viner v. Tonbridge*, 28 L. J. (N. S.) M. C. 251; 33 L. T. 202; 5 Jur. (N. S.) 1293.

the overseers thereof; and such overseers or persons shall pay such sums as shall be required by such certificate, according to the directions of such burial board, and shall levy such sums as may be required for such payments to the burial board by an addition to the parish rate or common rate, so far as the same affects the district in respect of which such payments are required, or by separate rates to be made from time to time on such district; and for levying such additions or separate rates as aforesaid such overseers or other persons shall have the powers, remedies, and privileges, and proceed in the same manner, as in the case of the rates for the relief of the poor; provided that any such rates may (notwithstanding any restriction in relation to the parish rate or common rate) be made and levied at such times as may be necessary to provide for the payments aforesaid.

\* \* \* \* \*

When assessment to local rates not to be increased after purchases.

XV. No land already or to be hereafter purchased or acquired, under the provisions of any of the Acts hereinbefore recited, for the purpose of a burial ground (with or without any building erected or to be erected thereon), shall while used for such purposes be assessed to any county, parochial, or other local rates at a higher value or more improved rent than the value or rent at which the same was assessed at the time of such purchase or acquisition (a).

\* \* \* \* \*

Burial board to keep in order closed burial grounds, &c.

XVIII. In every case in which any order in council has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board or churchwardens, as the case may be, shall maintain such churchyard or burial ground of any parish in decent order, and also do the necessary repair of the walls and other fences thereof, and the costs and expenses shall be repaid by the overseers, upon the certificate of the burial board or churchwardens, as the case may be, out of the rate made for the relief of the poor of the parish or place in which such churchyard or burial ground is situate, unless there shall be some other fund legally chargeable with such costs and expenses (b).

\* \* \* \* \*

### 19 VICT. CHAP. 15.

AN ACT for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals.

[11th April, 1856.]

9 & 10 Vict.  
c. 10.

“ WHEREAS an Act was passed in the ninth year of the reign of Her present Majesty, intituled ‘ An Act for regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals :’ And whereas it is expedient to make further

(a) See 15 & 16 Vict. c. 85.

(b) See 24 & 25 Vict. c. 61, s. 21.

regulations in respect of such payment:" Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,—

I. That the said recited Act shall be and the same is hereby Recited Act repealed, except so far as the same repeals any other Acts or repealed, parts of Acts. except, &c.

\* \* \* \* \*

VIII. If any Chelsea or Greenwich pensioner shall be re- Repayment  
lieved, or become chargeable in Great Britain or Ireland in to parishes of  
respect of relief afforded to himself, or to any person whom he relief given to  
is liable to maintain, or if in any case the secretary-at-war for out-pen-  
the time being and the guardians of the poor of any union or sioners.  
parish, or the overseers of any parish or township not under a  
board of guardians, or the heritors and kirk session of any parish  
in Scotland, think it desirable that the whole or any part of the  
pension of such pensioner should be advanced out of the poor's  
rate or funds applicable to the relief of the poor, it shall be  
lawful for the secretary-at-war, by any writing under his hand  
or under the hand of any officer or person employed by him,  
to agree with such guardians or overseers, or heritors and kirk  
session, for the repayment to them out of the pension of any  
such pensioner of the amount of relief so advanced to or ex-  
pended on his account, not exceeding in any case where relief  
has been administered to his wife or one child only whom he is  
bound to maintain the amount of one half, or where such relief  
has been administered to two or more such children, or to his  
wife and one or more such child or children, the amount of  
two thirds, of his pension so advanced.

IX. In case any Chelsea or Greenwich pensioner shall be or As to care  
become insane, it shall be lawful for the secretary-at-war for of lunatic  
the time being, upon being satisfied of such insanity, to order pensioners.  
that the pension of such insane pensioner, or so much thereof  
as shall appear to the said secretary-at-war to be necessary for  
his care and maintenance, shall be paid to such guardians of  
the poor or overseers, or heritors and kirk session, or to the  
wife, child, or any other person to whom the care of such in-  
sane pensioner may be intrusted, or who may be chargeable for  
or liable to the expense of his care and maintenance; and the  
receipt of the person or persons to whom the same shall be so  
paid shall be a sufficient voucher and discharge for so much  
money as shall appear to have been paid thereon: Provided  
always, that where no claim or demand shall be made for the  
support of any such insane pensioner, or where the charge for  
his care and maintenance does not amount to the full rate of his  
pension, then and in every such case it shall be lawful for the  
secretary-at-war, at his discretion, to order his pension, or so  
much thereof as may not be necessary for his care and mainte-  
nance as aforesaid, to be paid to his wife or child or children, if  
he have any.

\* \* \* \* \*

## 19 &amp; 20 VICT. CHAP. 112.

AN ACT to amend the Act of the last Session of Parliament, Chapter One Hundred and Twenty, for the better Local Management of the Metropolis. [29th July, 1856.]

18 & 19 Vict.  
c. 120.

“ WHEREAS it is expedient to amend the Act of the last session of parliament, chapter one hundred and twenty, ‘ For the better Local Management of the Metropolis,’ as hereinafter mentioned :” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

\* \* \* \* \*

Other powers of vestries and like meetings declared to have been transferred to vestries under Act 18 & 19 Vic t. c. 120, except powers transferred to district boards.

III. Save as hereinbefore otherwise provided, all the duties, powers, and privileges (including such as relate to the affairs of the church, or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor) (a) which might have been performed or exercised by any open or elected or other vestry or any such meeting as aforesaid in any parish, under any local Act or otherwise, at the time of the passing of the said Act of the last session, shall be deemed to have become transferred to and vested in the vestry constituted by such last-mentioned Act ; except so far as any such duties, powers, or privileges may in the case of a parish included in any district mentioned in Schedule (B.) to the said Act be vested by section ninety thereof in the board of works of such district : Provided that all duties and powers relating to the affairs of the church or the management or relief of the poor, or the administration of any money or other property applicable to the relief of the poor, which at the time of the passing of the said Act were vested in or might be exercised by any guardians, governors, trustees, or commissioners, or any body other than any open or elected, or other vestry, or any such meeting as hereinbefore mentioned, shall continue vested in and be exercised by such guardians, governors, trustees, or commissioners or other body as aforesaid.

Occupiers may claim to be rated.

IV. It shall be lawful for any person occupying any tenement within any parish to claim to be rated to the relief of the poor in respect thereof in the rate for the time being, and in all rates to be thereafter made in respect of such tenement, whether the landlord be or be not liable to be rated to the relief of the poor in respect thereof ; and upon such occupiers so claiming, by notice in writing left at the office or place of residence of the overseers of the poor of the parish, or one of them, and actually paying or tendering at such office or place of residence the full

(a) See 18 & 19 Vict. c. 120, s. 90.

amount of the last made rate then payable in respect of such premises, such overseers are hereby required to put the name of such occupier on the rate for the time being, and also, without further claim, to put his name upon every subsequent rate made during the time such occupier continues in the occupation of the same premises; and in case the said overseers neglect or refuse so to do, such occupier shall nevertheless, for the purposes of the said Act, be deemed to have been rated to the said rate in respect of such premises from the period at which the rate for the time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the occupation of the same premises: Provided always, that every person so claiming as aforesaid shall, in respect of every rate for the relief of the poor made after such claim as aforesaid, while he continues to occupy the same premises, be liable to the same extent and in the same manner as if his name had been put on such rate.

V. Provided also, that in cases where, by any composition with the landlord, a less sum is payable than the full amount of rate which, except for such composition, would be due in respect of the same premises, the occupier claiming to be rated shall not be bound to pay or tender more than the amount then payable under such composition: Provided also, that where, by virtue of any Act of parliament, the landlord is liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord; but in case the tenant who has been rated for such premises in consequence of any such claim as aforesaid, make default in the payment of the rate for the relief of the poor, payable in respect thereof, such landlord shall be and remain liable for the payment thereof, in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

Compositions not to be disturbed, and landlord's liability not to be affected.

VI. Any occupier who under this Act is rated or deemed to be rated to the relief of the poor in any parish, and has been so rated or deemed to be rated for one year next before any election of vestrymen or auditors under the said Act, shall be entitled to vote in such election, and shall for the purposes of the said Act be deemed a rate-payer of such parish, and be entitled to act as such, provided all parochial rates, taxes, and assessments, save and except church rates due in respect of the same premises at the time of his so voting or acting, except such as have been made or become due within six months immediately preceding such voting or acting, have been paid; but such occupier shall not be deemed to be a rate-payer so as to gain a settlement where he would not have gained a settlement if this Act had not been passed.

Right of occupier so claiming to vote in elections.

VII. The provision in section sixteen of the said Act requiring all parochial rates, taxes, and assessments (except as therein excepted) to have been paid shall not be taken to include church-rates.

Payment of church rates not necessary as a qualification.

Rental to be determined by column headed "rateable value."

VIII. And whereas by the Act of the session holden in the sixth and seventh years of King William the Fourth, chapter ninety-six, "to regulate Parochial Assessments," it is required that every rate for the relief of the poor shall, in addition to any other particular which the form of making out such rate shall require to be set forth, contain an account of every particular set forth at the head of the respective columns in the form given in the schedule to that Act annexed, so far as the same can be ascertained, and in the form in the said schedule are two columns headed respectively "gross estimated rental" and "rateable value:" And whereas by the said Act of the last session it is required that in order to qualify a person to be elected a vestryman or auditor he should be rated to the relief of the poor upon a rental of such amount as therein mentioned (*a*): And whereas doubts are entertained which of the amounts specified in the said two columns is to be deemed the "rental" for the purpose of the last-mentioned Act:

The amount specified in the said column headed "rateable value" shall be deemed the "rental" for the purposes of the last-mentioned Act.

Regulation of meetings of vestries constituted by 18 & 19 Vict. c. 120.

IX. Every meeting of any vestry constituted by the said Act of the last session, of which and of the special purpose whereof notice is now by law required to be affixed on or near the principal doors of the churches and chapels within the parish (*b*), may be convened by transmitting through the post or otherwise notice, signed by the clerk to the vestry, to each vestryman, at his usual or last known place of abode in England, of the place and hour of holding the same, and the special purposes thereof, three days before the day appointed for such meeting, and also by fixing at the same time notice thereof on or near the door of any building where the said meeting is to be holden, and it shall not be necessary that notice of any such meeting shall be further or otherwise signed or published.

\* \* \* \* \*

## 20 VICT. CHAP. 19.

AN ACT to provide for the Relief of the Poor in Extra-parochial Places (*c*).  
[21st March, 1857.]

WHEREAS it is desirable that provisions should be made for the relief of the poor in extra-parochial places: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

(*a*) See 18 & 19 Vict. c. 120, s. 6. (*b*) See 7 Will. 4 & 1 Vict. c. 45, s. 2.  
(*c*) See 29 & 30 Vict. c. 66.

I. After the thirty-first day of December, one thousand eight hundred and fifty-seven, every place entered separately in the report of the registrar-general on the last census which now is or is reputed to be extra-parochial, and wherein no rate is levied for the relief of the poor, shall for all the purposes of the assessment to the poor rate, the relief of the poor, the county, police, (d), or borough rate (e), the burial of the dead (f), the removal of nuisances (g), the registration of parliamentary (h) and municipal voters, and the registration of births and deaths (i), be deemed a parish for such purposes, and shall be designated by the name which is assigned to it in such report; and the justices of the peace having jurisdiction over such place or over the greater part thereof shall appoint overseers of the poor therein (k); and with respect to any other place being or reputed to be extra-parochial, and wherein no rate is levied for the relief of the poor, such justices may appoint overseers of the poor therein, notwithstanding anything contained in the hundred and first chapter of the statute passed in the session of parliament of the seventh and eighth years of Her present Majesty (l).

All extra-parochial places, where no poor rate is levied, to be deemed parishes for relief of the poor, &c. and justices, having jurisdiction, to appoint overseers.

- (d) See 15 & 16 Vict. c. 81; and 5 & 6 Vict. c. 109, s. 4.  
 (e) See 5 & 6 Will. 4, c. 76.  
 (f) See 7 & 8 Vict. c. 101, s. 31.  
 (g) See 18 & 19 Vict. c. 121; and 23 & 24 Vict. c. 77.  
 (h) See 2 & 3 Will. 4, c. 64, s. 37.  
 (i) See 1 Vict. c. 22, s. 9; also 25 & 26 Vict. c. 61, s. 32.  
 (k) See 43 Eliz. c. 2, s. 1.  
 (l) See 7 & 8 Vict. c. 101, s. 22.

#### REMOVAL OF PAUPERS FROM PLACE FORMERLY EXTRA-PAROCHIAL.

A pauper resided in an extra-parochial place for five years previous to 18th of June, 1858, at which time an order of removal was made. The place was made a parish by the 20 Vict. c. 19, from 1st of January, 1858. It was held that the pauper had not acquired the requisite status of irremovability under 9 & 10 Vict. c. 66, s. 1, the 20 Vict. c. 19 having no retrospective application. In this case the court upheld as valid an order of removal obtained by the overseers of a place which had been constituted a parish by 20 Vict. c. 19, s. 1: *Reg. v. St. Sepulchre, Northampton*, 33 L. T. 120; 28 L. J. M. C. 187; 1 E. & E. 813.

*Decisions on*  
 sect. 1.

#### EXTRA-PAROCHIAL PLACE WITHOUT INHABITANTS.

A warrant of appointment of an overseer for such place was quashed on the ground that it was not a place within the meaning of the statute, and that the overseer lived in a township not adjoining, and was not willing to serve the office: *Reg. v. Knowles*, 31 J. P. 102.

#### ADDITION OF EXTRA-PAROCHIAL PLACE TO A UNION.

If the owners and occupiers of an extra-parochial place have not chosen to annex the place to some parish under s. 4 of 20 Vict. c. 19, the poor law board may add the place as a parish to a poor law union under 4 & 5 Will. 4, c. 76, s. 32, without the consent of any owners or occupiers of land in the place: *Reg. v. Boteler*, 32 L. J. M. C. 91; 8 L. T. (N. S.) 514.

Staple Inn, an extra-parochial place, never having had poor, held to have been duly united to the Holborn union under 4 & 5 Will. 4, c. 76, s. 26,

One overseer only may be appointed by the justices.

II. If in any extra-parochial place it shall appear to the justices that two overseers cannot conveniently be appointed from the inhabitant householders thereof, or are not required for such place, such justices may appoint one only; and if it shall appear to them that there is no such householder liable or fit to be appointed, they shall appoint some inhabitant householder of an adjoining parish willing to serve to be such overseer, either with or without an annual salary, such salary, if any, to be approved of by the poor law board, and to be paid out of the poor rate of such place; and such last-mentioned appointment shall endure until the usual time of the appointment of overseers, and may be renewed from year to year as long as the justices shall find necessary (a).

Provision for the inns of court.

III. In each of the places termed the Inner Temple (b), the Middle Temple (b), and Gray's Inn (b), the officer for the time being acting as the under treasurer of such inn of court, and in the place termed Charterhouse, London, the registrar shall be the overseer of such place; and in default of any such officer, the justices having jurisdiction in such inns or place respectively shall appoint some inhabitant householder therein to be the

(a) See 29 & 30 Vict. c. 66, s. 4; and 29 & 30 Vict. c. 113, s. 11.

(b) See 25 & 26 Vict. c. 102, s. 12.

#### ADDITION OF EXTRA-PAROCIAL PLACE TO A UNION—continued.

Decisions on sect. 1.

and laid under a union contribution order under 24 & 25 Vict. c. 55, s. 9; *Staple Inn v. Holborn*, 9 Jur. (N. S.) 652; 32 L. J. M. C. 181; 2 H. & C. 284; 27 J. P. 695.

#### EVIDENCE OF EXTRA-PAROCIALITY.

On a question as to whether N. was extra-parochial or part of the parish of T., it appeared that since 1698 N. had maintained its own poor. An agreement of that date was lately found in a chest of a large owner in the parish of T., by which the then owners of N. agreed to maintain their own poor, and reciting that N. was in the parish of T. A rate having been made by the parish of T. on the inhabitants of N.: Held, that the agreement came from proper custody, and was admissible: Held, further, that if N. had been entered in the registrar-general's report in the last census as extra-parochial, that would have been conclusive under the 20 Vict. c. 19, s. 1; but as it was entered "T. with N." and not N. separately, the objection of extra-parochiality was not sustained: *Mytton v. Thornbury*, 29 L. J. M. C. 109; 6 Jur. (N. S.) 341; 2 L. T. (N. S.) 12; 24 J. P. 180; S. C. *Reg. v. Mytton*, 2 E. & E. 557.

Where the vicar of a parish in which a cathedral was situated, and who was also sub-dean, claimed the precincts as part of the parish, and sought to exclude the dean from reading the burial service in the cathedral churchyard: Held, where it is doubtful whether the cathedral existed before or after the institution of civil parishes in 1189, the presumption was that the cathedral and precincts were from the first extra-parochial: *Braithwaite v. Hooke*, 26 J. P. 660.

The entry of a place in the registrar-general's report is not conclusive of its being extra-parochial: *Reg. v. Cousins*, 28 J. P. 278; 10 Jur. (N. S.) 722.

overseer thereof for the then current year, and thenceforth from year to year so long as the office of under treasurer or registrar shall be vacant; provided that such places shall not be liable to be added to any union or other district for the purposes aforesaid.

IV. If the owners and occupiers respectively of the land comprised in any extra-parochial place owning and occupying two thirds in value at least of such land shall express their desire in writing, signed by such major part, that such place be comprised in or annexed to any parish for the purposes aforesaid (c), and such parish shall consent thereto, such consent to be expressed by a resolution of the vestry, after due notice (d), the justices of the peace in quarter sessions assembled, or the recorder of the borough if such place be situated within a borough subject to the jurisdiction of a recorder, may make an order for the annexation of such place to such parish, and thenceforth the same shall be deemed to be part of the said parish for all such purposes (e).

V. If any such place should be added to any union (f) the overseer or overseers thereof shall act as the guardian or guardians of such place at the board of guardians of such union until there shall be ratepayers thereof qualified to elect a guardian; provided that if the poor law board should direct one guardian only to be appointed for any such place, and there shall be two overseers appointed for the same, the overseer first appointed, or whose name shall stand first in the warrant of appointment, shall act as such guardian, and in the case of his decease or incapacity during the year of office the other overseer shall thenceforth act as such guardian; provided also, that no such paid overseer as aforesaid shall be authorized to act as a guardian.

VI. The overseers or overseer appointed under the authority of this Act shall have all the powers, authorities, privileges, exemptions, and protections which overseers now or hereafter shall possess, and shall be subject to all the obligations, responsibilities, penalties, and consequences which overseers are now or may hereafter be liable to.

VII. Provided, that nothing above contained shall apply to any extra-parochial place in respect whereof there shall be any agreement with any parish as to the liability of such place to contribute to the poor rate of such parish contained in any Act of parliament (g).

VIII. Where there is any extra-parochial place contained in or adjoining to any district comprising any parish or parishes, in which district the relief of the poor is administered under the authority of a local Act, the poor law board may, with the

Justices at the quarter sessions may, upon application, and with consent, annex any extra-parochial place to an adjoining parish.

Overseers may act as guardians until there shall be ratepayers qualified to elect.

All powers, &c. of overseers extended to overseers appointed under this Act.

Certain places excepted.

Provision for extra-parochial places adjoining dis-

(c) See 25 & 26 Vict. c. 61, s. 32. (f) See 4 & 5 Will. 4, c. 76, ss. 26.

(d) See 58 Geo. 3, c. 69, s. 1; 32; and 7 & 8 Vict. c. 101, s. 66.

59 Geo. 3, c. 85; and 1 Vict. c. 45. (g) See 10 & 11 Vict. c. cxxi. as to

(e) See 31 & 32 Vict. c. 122, s. 27. Lincoln's Inn.

tricts acting  
under local  
Acts.

consent of the occupiers and owners of two thirds in value of the land comprised in such place, and with the consent of the guardians acting in that district, by order direct such place to be added, for the purposes of administration of relief to the poor, to such district, upon such conditions and subject to such provisions and regulations as shall appear to them to be necessary for such purposes.

\* \* \* \* \*

Terms used in  
this Act to be  
construed as  
in 4 & 5 Will.  
IV. c. 76, &c.

XI. The words used in this Act shall be construed in the like manner as in the seventy-sixth chapter of the statute passed in the fourth and fifth years of King William the Fourth (*a*); and the provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

## 20 & 21 VICT. CHAP. 13.

AN ACT to facilitate the procuring of Sites for Workhouses in  
certain Cases. [13th July, 1857.]

5 & 6 Will. IV.  
c. 69.

“WHEREAS it is provided by the Act of the fifth and sixth years of King William the Fourth, chapter sixty-nine (*b*), that any ecclesiastical corporation sole may dispose of, by way of absolute sale or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor which the poor law commissioners might approve of, and to convey the same, and the fee simple and inheritance thereof, unto the guardians of any union or parish, or their successors, and to accept from and give to such guardians any moneys by way of equality of exchange: And whereas difficulty has arisen in carrying this provision into execution where the person who constitutes any ecclesiastical corporation sole is insane, and it is expedient to provide a remedy for such cases:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Provision for  
the acquisition  
of sites for a  
workhouse,

I. If the guardians of any union or parish, or the managers of any school district (*c*) shall be desirous of purchasing or of exchanging for the purposes mentioned in the said Act, or in any Act incorporated therewith or extending or explaining the

(*a*) See 4 & 5 Will. 4, c. 76, s. 109.      (*b*) See 5 & 6 Will. 4, c. 69, s. 1.  
(*c*) See 7 & 8 Vict. c. 101, s. 45.

same, any land or building belonging to any ecclesiastical corporation sole, and the person for the time being entitled to such land or building by virtue of his office shall be found upon a commission issued by the lord chancellor intrusted as in the Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter seventy, to be insane, it shall be competent for such guardians or managers to petition the said lord chancellor, intrusted as aforesaid, for leave to purchase or exchange any such land or buildings so belonging to such corporation sole, and upon such petition the said lord chancellor may make such order as shall seem to him to be proper; and if he shall see fit to authorize the sale or exchange of any land or building, the same shall on behalf of such corporation sole be conveyed to or received in exchange from such guardians or managers, as the case may be (with the consent of the ordinary having jurisdiction over such corporation sole, and with such further consents if necessary as are hereinafter mentioned), by such person as the said lord chancellor shall by order appoint, and the purchase money or the money to be received for equality of exchange on behalf of such corporation sole shall (except as hereinafter mentioned) be paid into the Bank of England, in the name and with the privity of the accountant-general of the Court of Chancery, to be placed to his account to the credit of the said corporation sole, and thenceforth all proceedings authorized by the second section of the said hereinbefore first-mentioned Act shall be applicable to such sum of money paid to the account of the said accountant-general.

when the land belongs to an ecclesiastical corporation sole unsound in mind.

II. Provided nevertheless, that if the said corporation sole shall be the incumbent of any benefice, the consent of the patron of the said benefice shall be necessary to perfect and complete such sale or exchange as aforesaid, and if the said land or building so to be sold or exchanged as aforesaid or any part thereof shall have been purchased by the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, or have been otherwise appropriated or annexed, by or with the consent, concurrence, or direction of the said governors to the said benefice for the augmentation thereof, the consent of the said governors shall be necessary to perfect and complete such sale or exchange as aforesaid; and in either of such cases the said purchase money, or the money to be received for equality of exchange as aforesaid, shall be paid to the said governors, and the receipt of the treasurer for the time being of the said governors shall be sufficient discharge for the said moneys, or for so much thereof as in such receipt shall be expressed to be received; and all the moneys to arise from such purchase or exchange as aforesaid shall (subject to any stipulation or agreement which the said governors in their discretion may think proper to make for payment thereof of the costs and expenses of such sale or exchange) be appropriated by the said governors to the particular benefice to which the said land or building comprised in such sale or exchange

Certain consents to be obtained to the acquisition.

Application of purchase money.

shall have previously belonged, and shall be applicable and disposable by them for the benefit and augmentation of such benefice, in such and the same manner, and with such and the same powers of investment and other powers or authorities in all respects according to the rules and regulations of the said governors for the time being, as if the said moneys or the stocks or funds which might be purchased therewith were then originally appropriated by the said governors to such benefice out of the general funds and profits of the said governors or otherwise for the benefit and augmentation thereof.

Application of dividends or annual income until investment.

III. Until the said purchase money or the money so to be paid for equality of exchange as aforesaid shall have been reinvested in the purchase of land, tithes, or other hereditaments for the benefit of the said corporation sole, the interest, dividends, or annual income from time to time accruing thereon shall be applied in like manner as the rents and profits of the land or building so purchased or exchanged would have been applicable if the same land or building had not been purchased or exchanged, and the said lord chancellor may make such order or orders from time to time as may be requisite for the purpose of such application.

How consent of patron, &c. to be given.

IV. The consent of the said ordinary, patron, and governors hereby required shall be testified by the said ordinary, patron, and governors respectively executing the deed or other assurance by which the land or building sold or exchanged shall be conveyed or assured, except that in the case of any land or building of copyhold or customary tenure which shall be conveyed or assured by surrender such consent shall be testified by any writing under the corporate seal, or the hand and seal, as the case may be, of each of the consenting parties, which writing, if produced to the lord or steward of the manor of which the said land or building shall be holden, shall be a sufficient authority to such lord or steward for accepting from the person so appointed, or ordered to convey as aforesaid a surrender of the same land and building, and such writing shall be entered, with the surrender, upon the court rolls of the said manor.

Provision where the right of patronage is in the Crown, the Duke of Cornwall, or in persons under disability.

V. In any case where upon the sale of any such land or building as aforesaid belonging to any benefice the patronage of the said benefice shall be in the Crown, or the advowson and right of patronage of such benefice shall be part of the possessions of the Duchy of Cornwall, or the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, the consent required by this Act on the part of the patron of such benefice shall be testified by the execution of such deed or assurance or other writing as aforesaid by such and the same persons as by the Act of parliament passed in the session holden in the first and second years of the reign of her present Majesty, chapter twenty-three, intituled, "An Act to amend the Law for providing fit Houses for the Beneficed Clergy," are in like cases directed or authorized to testify the consent of

the patron to the exercise of the several powers given by the said last-mentioned Act, or by certain other Acts therein mentioned or referred to, and in all other cases the consent required by this Act on the part of the patron of any benefice shall be given by the person or persons who would be entitled to present, nominate, or collate to such benefice in case the same were actually vacant at the time of giving such consent.

VI. In the construction of this Act the word “benefice” shall be taken to extend to and comprise all rectories with cure of souls, vicarages, perpetual curacies, and chapelries the incumbents of which respectively shall in right thereof be corporations sole.

Interpretation of the word “benefice.”

VII. The provisions of the Act of the first year of the reign of Her present Majesty, chapter fifty, shall be applicable to this Act, and the several terms herein used shall be construed as in the one hundred and ninth section of the Act of the fourth and fifth William the Fourth, chapter seventy-six, and as in the Act of the sixteenth and seventeenth years of Her present Majesty, chapter seventy (a) respectively.

Provisions of 7 Will. IV., and 1 Vict. c. 50, and interpretation of terms in 4 & 5 Will. IV., c. 76, and 16 & 17 Vict. c. 70, to apply.

## 20 & 21 VICT. CHAP. 31.

AN ACT to amend and explain the Inclosure Acts.

[10th August, 1857.]

WHEREAS it is expedient that “The Acts for the Inclosure, Exchange, and Improvement of Land” should be further amended and extended: Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

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XII. “And whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens, and on land allotted and awarded upon any inclosure under the said Acts as a place for exercise and recreation:” If any person wilfully cause any injury or damage to any fence of any such town or village green or land, or wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices upon the information of any churchwarden or overseer of the parish in which

Protecting from nuisances town and village greens and allotments for exercise and recreation.

such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding forty shillings; and it shall be lawful for any such churchwarden or overseer, or other person as aforesaid, to sell and dispose of any such manure, soil, ashes, and rubbish, or other matter or thing as aforesaid; and the proceeds arising from the sale thereof and every such penalty as aforesaid, shall, as regards any such town or village green not awarded under the said Acts or any of them to be used as a place for exercise and recreation, be applied in aid of the rates for the repair of the public highways in the parish, and shall, as regards the land so awarded, be applied by the persons or person in whom the soil thereof may be vested in the due maintenance of such land as a place for exercise and recreation; and if any manure, soil, ashes, or rubbish, be not of sufficient value to defray the expense of removing the same, the person who laid or deposited such manure, soil, ashes, or rubbish shall repay to such churchwarden or overseer, or other person as aforesaid the money necessarily expended in the removal thereof; and every such penalty as aforesaid shall be recovered in manner provided by the Act of the session holden in the eleventh and twelfth years of Her Majesty, chapter forty-three; and the amount of damage occasioned by any such offence as aforesaid shall, in case of dispute, be determined by the justices by whom the offender is convicted; and the payment of the amount of such damage, and the repayments of the money necessarily expended in the removal of any manure, soil, ashes, or rubbish, shall be enforced in like manner as any such penalty.

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## 20 & 21 VICT. CHAP. 35.

AN ACT to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws concerning the Burial of the Dead in the Metropolis, so far as relates to the City of London and the Liberties thereof." [10th August, 1857.]

15 & 16 Vict.  
c. 85.

WHEREAS an Act was passed in the session of Parliament holden in the fifteenth and sixteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act to amend the Laws concerning the Burial of the Dead in the Metropolis," containing provisions for the appointment of burial boards in the several parishes in the metropolis, and conferring on such burial boards various powers and authorities to be exercised in some cases by the board alone, and in other cases by the

boards with the approval of the vestries of their respective parishes: And whereas it was by the said Act enacted, that the provisions therein contained for the appointment of burial boards should not apply to any parish within the limits of the city of London, and the liberties thereof, but it should be lawful for the mayor, aldermen, and commons of the city of London, in common council assembled, if and when they should see fit so to do, to authorize and direct the commissioners of sewers of the city of London to exercise for the said city and liberties all the powers and authorities vested in the burial boards under the said Act; and thereupon such commissioners should have and exercise for and on behalf of the said city and liberties, all such powers and authorities as were thereby vested in the burial board for any parish, or which might be exercised by such board with the approval of the vestry: And whereas the commissioners of sewers of the city of London have been authorized by the said mayor, aldermen, and commons, in common council assembled, to exercise the powers and authorities vested in the burial boards under the said Act, and have provided and constructed a large and spacious cemetery in the parish of Little Ilford in the county of Essex, at an expense of seventy-five thousand pounds: And whereas there are more than one hundred parishes within the city of London and the liberties thereof, and it has been found impracticable to obtain the requisite consents of all the vestries of such parishes to the uniform exercise of such powers or authorities by the said commissioners: And whereas under the provisions contained in the thirty-seventh section of the said Act (by which section power is given to the vestry of any parish, with consent of the bishop of the diocese, to revise and vary the fees payable to the incumbent under the provisions of the said Act,) a table of fees to be paid to incumbents upon interments which shall take place in the consecrated portion of the said cemetery at Little Ilford has been agreed to by the major part in number of the vestries of the parishes within the city of London and the liberties thereof, which table of fees has been approved of by the bishop of the diocese, and is contained in the schedule to this Act: And whereas it is expedient that the table of fees so agreed to should be made to apply to the whole of the parishes within the city of London and the liberties thereof, and that the said Act should be amended by making the consent or approval of the major part in number of the vestries of the several parishes within the city of London and the liberties thereof, sufficient to enable the commissioners of sewers of the city of London to exercise any power or authority conferred upon them by the said Act, which requires for the exercise thereof the approval or consent of all the vestries of such parishes; and also that the said Act should be amended in manner hereinafter mentioned: And whereas the purposes aforesaid cannot be effected without the authority of parliament:" May it therefore please Your Majesty that it may

be enacted ; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

The fees in schedule to be the fees payable to incumbents.

I. The fees enumerated in the schedule to this Act shall be the fees which the incumbents of the parishes within the city of London and the liberties thereof shall be entitled to receive upon all interments in the consecrated portion of the said cemetery at Little Ilford, whether of the remains of parishioners (*a*) or inhabitants (*a*) of the said parishes, or of any other persons, and the same fees shall be in satisfaction of all claims on the part of such incumbents to fees of every description, whether in respect of burial in vaults of (*b*) graves, or of the erection of monuments, gravestones, or tablets, or of (*b*) monumental inscriptions in the said cemetery.

Approval of a majority of vestries in the city of London to be sufficient.

II. When and as often as the consent or approval of the vestries of the several parishes within the limits of the city of London and the liberties thereof is by the said recited Act required (*c*) for the purpose of enabling the commissioners of sewers of the city of London to exercise any power or authority, given to or vested in them by the said Act, or to execute any act, deed, matter, or thing under the authority of the said Act, or to confirm or render valid any act, deed, matter, or thing made or done, or agreed or proposed to be made or done, by the said commissioners, then and in every case the consent or approval of the major part in number of the vestries of the several parishes within the said city and liberties shall be sufficient to enable the said commissioners to exercise any such power or authority, or to do or execute any such act, deed, matter, or thing as aforesaid, and to confirm and render valid any act, deed, matter, or thing made or done, or agreed or proposed to be made or done by them, and shall be as valid and effectual for all the purposes of the said Act, as if all the vestries of the said parishes within the city of London and the liberties thereof had actually consented to or approved thereof, or had confirmed the same : Provided that the parishes united under the provisions of the Act of the twenty-second year of Charles Second, chapter eleven, or united for ecclesiastical purposes by the provisions of that or any other Act or Acts, shall, for the purposes of this Act and the said recited Act, be and be deemed one parish.

Certain sections in recited Act repealed as to the city of London.

III. The provisions in the said recited Act contained with reference to fees payable to incumbents, churchwardens, and others for parochial or other purposes, and also with reference to the powers given to vestries of revising and varying, with the consent of the bishop, the fees payable to incumbents, clerks, and sextons, or of substituting fixed payments in lieu thereof, which provisions are comprised in the thirty-second,

(*a*) See sect. 8.

(*b*) *Sic.*

(*c*) See 15 & 16 Vict. c. 85, ss. 10, 11, 12, 19, 20, 23, 26, 28, 29, 37, and 42.

thirty-third, thirty-fifth, thirty-sixth, thirty-seventh, and fiftieth sections of the said Act, shall not apply to parishes situated within the city of London or the liberties thereof.

IV. It shall be lawful for the commissioners of sewers of the city of London, acting as burial board for the several parishes within the city and the liberties thereof, with the approval of the major part in number of the vestries of such parishes, to settle and determine whether any and what fees shall be payable to the churchwardens or to the clerk or sexton of any parish within the city of London or the liberties thereof, or to any trustees or other persons for any parochial or other purpose whatever, on any interment, or for any monument, gravestone, tablet, or monumental inscription in any burial ground already provided or which may hereafter be provided by the said commissioners in pursuance of the powers contained in the said Act, and such fees (if any) as shall be so settled and determined shall be paid to the commissioners, and shall be paid over by them to the parties for the time being entitled to receive the same (*d*).

Commissioners, acting as burial board, with the approval of the major part of the vestries, to settle fees payable to churchwardens, &c.

V. All fees payable under the provisions of this Act to incumbents of parishes within the city of London and the liberties thereof, shall be paid by the commissioners of sewers of the city of London, by quarterly payments in each year, to such person or persons as shall by such incumbents, or the major part of them, be appointed from time to time to receive the same, and such fees shall be applied according to a scheme to be agreed upon by such incumbents, or the major part of them, with the consent of the bishop of the diocese.

Fees to be paid by the commissioners.

VI. It shall be lawful for the said commissioners, subject and without prejudice to the fees payable to incumbents under the provisions of this Act, and subject to the approval required by the seventh section of the Act of eighteenth and nineteenth Victoria, chapter one hundred and twenty-eight (*e*), to settle a scale of fees for the burial in the cemetery at Little Ilford aforesaid of persons not residing within the city of London or the liberties thereof, and from time to time to revise and vary the same.

Commissioners to settle fees for burial of persons not residing in London.

VII. The chaplain or chaplains who for the time being shall have been, or shall hereafter be appointed under the thirtieth section of the said recited Act, by the incumbents of the parishes within the city of London and the liberties thereof, for the performance of burials in the consecrated part of the said cemetery, shall conform to all such regulations of the commissioners of sewers for the city of London as shall not interfere with the performance of the funeral service according to the order of the United Church of England and Ireland.

Chaplains of cemetery to conform to regulations of commissioners.

(*d*) This section is in substitution of s. 36 of 15 & 16 Vict. c. 85, repealed by sect. 3 of this Act, as to the city of London. (*e*) See 15 & 16 Vict. c. 85, s. 34; and 18 & 19 Vict. c. 128, s. 7.

Interpretation  
of terms.

VIII. In this Act and in the said recited Act, so far as the same applies to the city of London and the liberties thereof, the words "parishioners" or "inhabitant" shall mean a person inhabiting a house or dying in one of the parishes in the city of London or the liberties thereof; and when such house shall be situated in more than one parish, the parish in which the greater part of such house is situated, shall be deemed to be the parish of which the person inhabiting the same is a parishioner or inhabitant (*a*).

Expenses of  
Act.

IX. All the costs, charges, and expenses of obtaining and passing this Act shall be defrayed out of the Consolidated Rate authorized to be made by the "City of London Sewers Act, 1848."

### THE SCHEDULE.

	£	s.	d.
For each burial in a catacomb in consecrated ground	0	15	6
For each burial in a vault in ditto - - -	0	10	0
For each burial in a brick grave in ditto - -	0	7	6
For each burial in a private grave in ditto - -	0	5	0
For each burial in a common grave in ditto - -	0	2	6
For each burial of a pauper in ditto - - -	0	1	0

### 20 & 21 VICT. CHAP. 43 (*b*).

AN ACT to improve the Administration of the Laws so far as respects summary Proceedings before Justices of the Peace.

[17th August, 1857.]

"WHEREAS it is expedient that provision should be made for obtaining the opinion of a superior court on questions of law which arise in the exercise of summary jurisdiction by justices of the peace:" Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Interpretation  
of terms.

I. In the interpretation and for the purposes of this Act, the following words shall have the meaning hereinafter assigned to them; that is to say,

"Superior courts of law" shall for England mean the supreme courts of law at Westminster, and for Ireland the supreme courts at law at Dublin.

"Court of Queen's Bench" shall mean for England the Court of Queen's Bench at Westminster, and for Ireland the Court of Queen's Bench at Dublin.

(*a*) See 15 & 16 Vict. c. 85, s. 52. work, 3rd edition, and the notes

(*b*) As regards this statute, see thereon.  
Jervis's Acts, by the author of this

II. After the hearing and determination by a justice or justices of the peace of any information or complaint which he or they have power to determine in a summary way, by any law now in force or hereafter to be made, either party to the proceeding before the said justice or justices may, if dissatisfied with the said determination as being erroneous in point of law, apply in writing within three days after the same to the said justice or justices, to state and sign a case setting forth the facts and the grounds of such determination, for the opinion thereon of one of the superior courts of law to be named by the party applying; and such party hereinafter called "the appellant," shall, within three days after receiving such case, transmit the same to the court named in his application, first giving notice in writing of such appeal, with a copy of the case, so stated and signed, to the other party to the proceeding in which the determination was given hereinafter called the respondent.

Justices on application of a party aggrieved to state a case for the opinion of superior court.

III. The appellant, at the time of making such application, and before a case shall be stated and delivered to him by the justice or justices, shall in every instance enter into a recognizance, before such justice or justices, or any one or more of them, or any other justice exercising the same jurisdiction, with or without surety or sureties, and in such sum as to the justice or justices shall seem meet, conditioned to prosecute without delay such appeal, and to submit to the judgment of the superior court, and pay such costs as may be awarded by the same; and the appellant shall at the same time, and before he shall be entitled to have the case delivered to him, pay to the clerk to the said justice or justices his fees for and in respect of the case and recognizances, and any other fees to which such clerk shall be entitled, which fees, except such as are already provided for by law, shall be according to the Schedule to this Act annexed marked (A.), until the same shall be ascertained, appointed, and regulated in the manner prescribed by the statute eleventh and twelfth Victoria, chapter forty-three, section thirty; and the appellant, if then in custody, shall be liberated upon the recognizance being further conditioned for his appearance before the same justice or justices, or, if that is impracticable, before some other justice or justices exercising the same juris-

Security and notice to be given by the appellant.

#### JURISDICTION OF JUSTICES.

An appellant cannot get rid of his assessment except by appeal in the mode pointed out by the statutes. The 20 & 21 Vict. c. 43, s. 2, does not apply to a poor rate: *Wheeler v. Burmington*; *Sparrow v. Imprington*, 29 L. J. M. C. 175; 2 L. T. (N. S.) 171; 6 Jur. (N. S.) 698; 24 J. P. 660.

The 20 & 21 Vict. c. 43, s. 2, refers to matters in which the justices have summary jurisdiction, and therefore they have no power to state a case with regard to the validity of a rate for the opinion of a superior court: *Ex parte May*, 2 B. & S. 428.

A case cannot be stated under 20 & 21 Vict. c. 43, unless the determination of the justices be upon an information or complaint: *Garratt v. Potts*, 23 L. T. (N. S.) 410.

diction who shall be then sitting, within ten days after the judgment of the superior court shall have been given, to abide such judgment, unless the determination appealed against be reversed.

Justices may refuse a case where they think the application frivolous.

IV. If the justice or justices be of opinion that the application is merely frivolous, but not otherwise, he or they may refuse to state a case, and shall, on the request of the appellant, sign and deliver to him a certificate of such refusal; provided, that the justice or justices shall not refuse to state a case where application for that purpose is made to them by or under the direction of Her Majesty's attorney-general for England or Ireland, as the case may be.

Where the justices refuse, the Court of Queen's Bench may by rule order a case to be stated.

V. Where the justice or justices shall refuse to state a case as aforesaid, it shall be lawful for the appellant to apply to the Court of Queen's Bench upon an affidavit of the facts for a rule calling upon such justice or justices, and also upon the respondent, to show cause why such case should not be stated; and the said court may make the same absolute or discharge it, with or without payment of costs, as to the court shall seem meet, and the justice or justices, upon being served with such rule absolute, shall state a case accordingly, upon the appellant entering into such recognizance as is hereinbefore provided.

Superior court to determine the questions on the case.

VI. The court to which a case is transmitted under this Act shall hear and determine the question or questions of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or remit the matter to the justice or justices, with the opinion of the court thereon, or may make such other order in relation to the matter, and may make such orders as to costs as to the court may seem fit; and all such orders shall be final and conclusive on all parties: Provided always, that no justice or justices of the peace who shall state and deliver a case in pursuance of this Act shall be liable to any costs in respect or by reason of such appeal against his or their determination.

Its decisions to be final.

VII. The court for the opinion of which a case is stated shall have power, if they think fit, to cause the case to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

Case may be sent back for amendment.

Powers of superior court may be exercised by a judge at chambers.

VIII. The authority and jurisdiction hereby vested in a superior court for the opinion of which a case is stated under this Act shall and may (subject to any rules and orders of such court in relation thereto) be exercised by a judge of such court sitting in chambers, and as well in vacation as in term time.

After the decision of superior court, justices may issue warrants.

IX. After the decision of the superior court in relation to any case stated for their opinion under this Act, the justice or justices in relation to whose determination the case has been stated, or any other justice or justices of the peace exercising the same jurisdiction, shall have the same authority to enforce

any conviction or order which may have been affirmed, amended, or made by such superior court, as the justice or justices who originally decided the case would have had to enforce his or their determination if the same had not been appealed against; and no action or proceeding whatsoever shall be commenced or had against the justice or justices for enforcing such conviction or order, by reason of any defect in the same respectively.

X. No writ of *certiorari* or other writ shall be required for the removal of any conviction, order, or other determination in relation to which a case is stated under this Act, or otherwise, for obtaining the judgment or determination of the superior court on such case under this Act.

*Certiorari* not to be required for proceedings under this Act.

XI. The superior courts of law may from time to time, and as often as they shall see occasion, make and alter rules and orders to regulate the practice and proceedings in reference to the cases hereinbefore mentioned.

Superior courts may make rules for proceedings.

XII. The words "justice or justices" in this Act shall include a magistrate of the police courts of the metropolis, and any stipendiary magistrate.

"Justices" to include a stipendiary magistrate.

XIII. In all cases where the conditions, or any of them, in the said recognizance mentioned, shall not have been complied with, the justice or justices who shall have taken the same, or any other justice or justices, shall certify upon the back of the recognizance in what respect the conditions thereof have not been observed, and transmit the same to the clerk of the peace of the county, riding, division, liberty, city, borough, or place within which such recognizance shall have been taken, to be proceeded upon in like manner as other recognizances forfeited at quarter sessions may now by law be enforced; and such certificate shall be deemed sufficient *prima facie* evidence of the said recognizance having been forfeited: Provided, that where any such recognizances shall have been taken in England before a magistrate of the police courts of the metropolis, or by any stipendiary magistrate, all sums of money in which any person or persons shall be therein bound may, if the said magistrate shall think fit, be levied, upon such recognizance being forfeited, and on nonpayment thereof, together with the costs of the proceedings to enforce such payment, in the same manner as a police magistrate of the metropolis is now empowered to recover any penalty, forfeiture, or sum of money, by section forty-five of an Act passed in the second and third years of the reign of Her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis," and that all and every the provisions and enactments contained in the said section forty-five shall extend to and be applicable to this Act, in as ample a manner as if they had been herein re-enacted and made part of the same.

Recognizances how to be enforced.

XIV. Any person who shall appeal under the provisions of this Act against any determination of a justice or justices of

Appellants under this Act  
2 & 3 Vict.  
c. 71, s. 45.

not allowed to appeal to the quarter sessions. the peace from which he is by law entitled to appeal to the quarter sessions shall be taken to have abandoned such last-mentioned right of appeal, finally and conclusively, and to all intents and purposes.

Extent of Act. XV. This Act shall not extend to Scotland.

### SCHEDULE (A.)

FEES to be taken by CLERKS to JUSTICES.

	<i>s.</i>	<i>d.</i>
For drawing case and copy where the case does not exceed five folios of ninety words each - - -	10	0
Where the case exceeds five folios, then for every additional folio - - - - -	1	0
For the recognizance to be taken in pursuance of the Act - - - - -	5	0
For every enlargement or renewal thereof - - -	2	6
For certificate of refusal of case - - - - -	2	0

### 20 & 21 VICT. CHAP. 50.

AN ACT to amend the Acts concerning Municipal Corporations in England.  
[17th August, 1857.]

\* \* \* \* \*

In boroughs consisting of more than one parish, in case the burgess roll for any parish not made out in any year, previous burgess roll to continue in force for such parish.

VI. "Whereas by an Act passed in the session holden in the seventh year of King William the Fourth and the first year of Her Majesty, chapter seventy-eight, 'to amend an Act for the Regulation of Municipal Corporations in England and Wales,' it was enacted, that in every borough in which by reason of any neglect or informality a new burgess roll of the said borough shall not have been made in any year within the time directed by the said Act for the regulation of municipal corporations, the burgess roll which was in force before the time appointed for the revision shall continue in force until such new burgess roll shall have been duly made: And whereas the said recited enactment applies only to any borough in which a new burgess roll shall not have been made as therein mentioned: And whereas it is expedient to provide as to any borough consisting of more parishes than one, wholly or in part within any borough in which a new burgess roll shall have been made out, but in which the burgess list or lists of one or more of such parishes wholly or in part within such borough shall have been omitted:" Be it enacted, that in every borough consisting of more parishes than one wholly or in part within such borough in which by reason of any neglect or informality a burgess list of any parish or of parts of any parish within such borough shall not have been made out in any year, or in case such

burgess list shall not have been revised as required by the said Act for the regulation of municipal corporations, so much of the burgess roll which was in force before the time appointed for the revision as contains the names of the burgesses entitled to vote in respect of property within such parish or part of parish shall continue in force, and be taken to be the list of burgesses entitled to vote in respect of such property until a burgess list for such parish or part of parish shall have been revised and become part of the burgess roll.

VII. "Whereas by the fifteenth section of the Act to provide for the regulation of municipal corporations in England and Wales (*a*), it was enacted, that on the fifth day of September in every year the overseers of the poor of every parish wholly or in part within any borough shall make out a list, to be called 'The Burgess List,' according to the provisions therein contained, and shall deliver the same to the town clerk of the borough on the said fifth day of September in every year, and shall keep a true copy of such lists, to be perused without payment of any fee at all reasonable hours between the fifth and fifteenth days of September in every year, and that the town clerk shall forthwith cause copies of all overseers' lists so delivered to him to be printed, and shall cause a copy of all such lists to be published as therein provided on every day during the week next preceding the fifteenth day of September in every year: And whereas it has been found in populous boroughs that the several matters so required to be done by the town clerk cannot be duly carried into effect within the time so specified in that behalf:" Be it enacted, that from and after the passing of this Act the overseers of the poor of every parish wholly or in part within any borough shall, on or before the first day of September in every year, instead of on the fifth day of September, make out a list, to be called the Burgess List, according to the provisions in the said recited section contained, and shall, on or before the said first day of September in every year, instead of on the fifth day of September, deliver the same to the town clerk of the borough, and shall keep a true copy of such lists, to be perused by any person without payment of any fee at all reasonable hours between the first and fifteenth days of September in every year, instead of between the fifth and fifteenth days of September.

VIII. The said Act of King William the Fourth and this Act shall be construed together as one Act (*b*).

Overseers of the poor to make out burgess roll on or before first day of September in every year.

Acts to be construed as one.

(*a*) See 5 & 6 Will. 4, c. 76, s. 15.

(*b*) The Act referred to is the 5 & 6 Will. 4, c. 76.

## 20 &amp; 21 VICT. CHAP. 64.

AN ACT for raising a Sum of Money for building and improving Stations of the Metropolitan Police; and to amend the Acts concerning the Metropolitan Police.

[25th August, 1857.]

\* \* \* \* \*

Power to receiver for metropolitan police district, &c. to inspect rates.

XIII. The receiver for the metropolitan police district, or any person having an order for that purpose under the hand of such receiver, may inspect any poor rate made or to be made for any parish, township, precinct, or place in the metropolitan police district, and take copies of or extracts from any such rate, without payment of any fee or reward.

Penalty on overseers neglecting to make returns, or refusing to produce rates.

XIV. If any overseer or overseers refuse or neglect to make any return when so required by the receiver as aforesaid, or if any overseer or person having the custody of any such poor rate as herein mentioned refuse or neglect to permit the receiver or any person hereby authorized to inspect such rate, or to take copies or extracts from the same, within two days after notice in writing, under the hand of such receiver, for that purpose shown to the overseer or person having the custody of such poor rate, or left at his usual place of abode; every overseer or person so offending shall, on conviction thereof before two justices of the peace, or before any police magistrate sitting in a police court of the metropolitan police district, forfeit and pay for every such offence the sum of ten pounds.

\* \* \* \* \*

## 20 &amp; 21 VICT. CHAP. 81.

AN ACT to amend the Burial Acts.

[25th August, 1857.]

\* \* \* \* \*

Ordinary of diocese may consecrate the whole or part of land belonging to any parish for the burial of poor persons.

VI. Where the guardians of any parish or union are or shall hereafter become possessed of any land suitable to the purposes of a burial ground, and the poor law board shall consent to the same being appropriated to the reception of the dead bodies of any poor persons whom such guardians shall be authorized or required by law to bury (*a*) it shall be lawful for the ordinary of the diocese wherein such land shall be situated, if he see fit, to consecrate the whole or a part of such land for burial purposes, and after consecration the guardians may lawfully direct any such dead body as aforesaid to be buried therein; and the

(*a*) See 7 & 8 Vict. c. 101, s. 31.

land so consecrated shall not thenceforth be used for any other purposes than for burials according to the rites of the united Church of England and Ireland; and shall be kept in decent order; and the fences thereof, and any building or other erection therein or adjoining thereto used for the performance of the burial service, shall be maintained in good repair by the guardians, out of the common fund of such parish or union: provided nevertheless, that the guardians shall not be authorized to direct the body of any poor person to be buried in such grounds who, or whose husband, wife, or next of kin, shall, by letter addressed to the master of the workhouse or otherwise, have expressly desired burial to take place elsewhere *(b)*.

\* \* \* \* \*

XX. Provided always, that for the purpose of providing a sinking fund for paying off the principal money borrowed on mortgages granted under any of the said Acts or this Act, the burial board shall once in every year set aside, out of the monies charged by such mortgages, such sum as they think proper, being a sum equal to or exceeding one-fiftieth part of the principal money so borrowed *(c)*.

Sinking fund to be provided for paying off mortgages.

\* \* \* \* \*

XXIII. It shall be lawful for Her Majesty, upon the representation of one of Her Majesty's principal secretaries of state, by and with the advice of Her privy council, from time to time to order such acts to be done by or under the directions of the churchwardens or such other persons as may have the care of any vaults or places of burial, for preventing them from becoming or continuing dangerous or injurious to the public health; and every such order in council shall be published in the *London Gazette*, and such churchwardens or other persons shall do or cause to be done all acts ordered as aforesaid, and the expenses incurred in and about the doing thereof shall be paid out of the poor rates of the parish: provided always that no such representation shall be made until ten days previous notice of the intention to make such representation shall have been given to the churchwardens or other persons, or one of the churchwardens or other persons, having the care of the vaults or places of burial to which the representation relates *(d)*.

Orders in council may be issued, on representation of secretary of state, so as to prevent vaults, &c., being dangerous to health.

\* \* \* \* \*

*(b)* See 7 & 8 Vict. c. 101, s. 31. *(c)* See 15 & 16 Vict. c. 85, s. 20.

*(d)* See 22 Vict. c. 1, s. 1.

## 21 &amp; 22 VICT. CHAP. 33 (a).

AN ACT for the better Management of County Rates (b).  
[12th July, 1858.]

15 & 16 Vict.  
c. 81.

“WHEREAS by an Act passed in the fifteenth and sixteenth years of the reign of her present Majesty, chapter eighty-one, intituled ‘An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales,’ the justices of the peace of the several counties or divisions of counties in England and Wales are respectively empowered to appoint a committee for the purpose of preparing a basis or standard for fair and equal county rates to be made in their respective counties and divisions (c): And whereas by the fifty-first section of the said Act it is amongst other things declared that in the construction of the said Act the word ‘county’ shall mean and include any riding or division having a separate commission of the peace or separate county treasurer: And whereas certain counties having one commission of the peace are for certain purposes divided into separate divisions, each division having a separate county treasurer, and such divisions have been unequally assessed, and doubts are entertained concerning the application of the said Act in such counties, and it is expedient that the provisions of the said Act should be deemed and declared to be applicable to such counties generally, and not to separate divisions thereof particularly:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Provisions of  
15 & 16 Vict.  
c. 81, to apply  
to counties  
having  
separate  
divisional  
county  
treasurers.

I. In any county having one commission of the peace, and being divided into separate divisions, having each a separate county treasurer, the provisions of the Act passed in the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, for the purpose of preparing the basis or standard as aforesaid, may be taken and considered to apply to the whole of such county generally, and not to separate divisions thereof particularly, notwithstanding any provision contained in the fifty-first section of the said Act (d).

Justices of  
divisions to

II. The justices of such divisions shall nevertheless at their general or quarter sessions of the peace, or at any adjournment

(a) With reference to this Act, and the 15 & 17 Vict. c. 81, see the provisions in 24 & 25 Vict. c. 55, s. 10, and 25 & 26 Vict. c. 103, s. 28.

(b) See 28 & 29 Vict. c. 37, s. 3, as to the county of Sussex.

(c) 15 & 16 Vict. c. 81, s. 2.

(d) This section is, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, Sch. 5.

thereof, raise all county rates and administer all disbursements thereout in respect of expenses incurred in and for such divisions, in like manner as they may have heretofore been accustomed to raise and administer the same in such divisions: Provided always, that the justices usually acting in two or more of such divisions may, if they shall think fit, at any general or quarter sessions of the peace to be held in each of such divisions by an order of such several sessions, agree to raise and administer such disbursements jointly, and such divisions shall, on and after the making of such orders as aforesaid, be considered for the purposes aforesaid as one division only and not separate divisions: Provided also, that any sum heretofore levied or which may be levied hereafter for expenses incurred generally for the whole of any such county, shall be levied and paid by the divisions of such county, in proportion to the total assessment of such divisions respectively as ascertained by the basis or standard aforesaid.

raise all  
county rates  
and to ad-  
minister all  
disbursements  
thereout in  
such divisions  
as heretofore.

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### 21 & 22 VICT. CHAP. 43.

AN ACT to amend the Municipal Franchise in certain Cases.

[23rd July, 1858.]

“WHEREAS by section nineteen of an Act passed in the session holden in the fifty-ninth year of his late Majesty King George the Third, chapter twelve, intituled ‘An Act to Amend the Laws for the Relief of the Poor,’ the inhabitants of any parish in vestry assembled are empowered to resolve and direct that the owner or owners of all houses, apartments, or dwellings in such parishes, being the immediate lessor or lessors of the actual occupier or occupiers, which shall respectively be let to the occupiers thereof at any rent or rate not exceeding twenty pounds nor less than six pounds by the year, for any less term than one year, or on any agreement by which the rent shall be reserved or made payable at any shorter period than three months, shall be assessed to the rates for the relief of the poor for or in respect of such houses, apartments, or dwellings, and the out-houses and curtilages thereof, instead of the actual occupiers: And whereas it is doubtful whether in such case such occupier is entitled to any municipal privileges and franchises to which, by virtue of an Act passed in the session of parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled ‘An Act to provide for the Regulation of Municipal Corporations in England and Wales,’ he would have been entitled if he himself had been rated and had paid such rate or rates: And whereas, when the owner of any tenement is rated to the relief of the poor by virtue of an Act passed in the session of parliament held in the thirteenth and fourteenth years of Her present Majesty, intituled ‘An Act for the better

59 Geo. III.  
c. 12.

Assessing and Collecting the Poor Rates and Highway Rates in respect of Small Tenements,' instead of the occupier thereof, and has paid all money due on account of any rate or rates in respect of such tenement, such occupier is entitled to all municipal privileges and franchises to which by virtue of the said recited Act of King William the Fourth he would have been entitled if he himself had been rated and had paid such rate or rates (a):" Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

Where owner is rated, occupier to be entitled to the same municipal privileges under 5 & 6 Will. IV. c. 76, as if he was rated instead of the owner.

I. Where the owner of any such house, apartment, or dwelling in the said first-recited Act mentioned shall be rated to the relief of the poor by virtue of section nineteen of the said first-recited Act, instead of the occupier thereof, and such owner shall have paid all money due on account of any rate or rates in respect of such house, apartment, or dwelling, such occupier shall be entitled to all municipal privileges and franchises to which by virtue of the said Act passed in the session of parliament held in the fifth and sixth years of the reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales, he would have been entitled if he himself had been rated and had paid such rate or rates; and if such owner so rated as aforesaid shall not have paid such rate or rates, it shall be lawful for such occupier to tender to the overseers of the poor or other person authorized by law to receive the same the amount of any rate or rates then due from such owner in respect of such house, apartment, or dwelling, and such overseer or other person so authorized as aforesaid shall be bound to receive the same, and such occupier shall, on the payment or tender of such amount, be entitled to exercise all such privileges and franchises as hereinbefore mentioned: Provided always, that any occupier so paying any rate or rates in respect of any such house, apartment, or dwelling, where the owner is rated to the same, shall be entitled to deduct and retain the amount so paid by him from the next payment of rent to be made by him to such owner, or to recover the same from such owner as money paid to and for the use of such owner, and upon such payment being so made by such occupier, and being by him so deducted or retained from his rent, the production by such owner of the receipt of such occupier for the amount so deducted shall be sufficient proof of such rate or rates having been duly paid.

Recited Act and this Act to be read as one.

II. So much of the said Act of the fifty-ninth year of his late Majesty King George the Third as remains unrepealed and this Act shall be read and construed together as one Act.

(a) See 13 & 14 Vict. c. 99, s. 7.

## 21 &amp; 22 VICT. CHAP. 67.

AN ACT to repeal certain Enactments requiring Returns to be made to one of the Secretaries of State.

[2nd August, 1858.]

“WHEREAS certain of the returns now required to be made to one of Her Majesty’s principal secretaries of state, which entail charges on local funds, have become unnecessary:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

I. From and after the passing of this Act the following enactments requiring returns to be made or transmitted to one of Her Majesty’s principal secretaries of state shall be repealed; that is to say (*b*),

- |                                                          |             |   |   |   |          |
|----------------------------------------------------------|-------------|---|---|---|----------|
| *                                                        | *           | * | * | * |          |
| 4. Section eleven of an Act of the session holden in the | 7 & 8 Vict. |   |   |   |          |
| seventh and eighth years of Her Majesty, chapter one     | c. 101.     |   |   |   |          |
| hundred and one.                                         | Bastardy    |   |   |   |          |
| *                                                        | *           | * | * | * | returns. |

## 21 &amp; 22 VICT. CHAP. 90.

AN ACT to regulate the Qualifications of Practitioners in Medicine and Surgery.

[2nd August, 1858.]

“WHEREAS it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners:” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, as follows:—

I. This Act may for all purposes be cited as “The Medical Short title. Act.”

II. This Act shall commence and take effect from the first Commence- day of October, one thousand eight hundred and fifty-eight. ment of Act.

XV. Every person now possessed, and (subject to the pro- Registration visions hereinafter contained) every person hereafter becoming of persons possessed, of any one or more of the qualifications described in now qualified, the Schedule (A.) to this Act, shall, on payment of a fee, not and of persons

(*b*) *Quære*, does this repeal entirely s. 11 of 7 & 8 Vict. c. 101.

hereafter  
becoming  
qualified.

exceeding two pounds, in respect of qualifications obtained before the first day of January, one thousand eight hundred and fifty-nine, and not exceeding five pounds in respect of qualifications obtained on or after that day, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland the document conferring or evidencing the qualification or each of the qualifications in respect whereof he seeks to be so registered, or upon transmitting by post to such registrar information of his name and address, and evidence of the qualification or qualifications in respect whereof he seeks to be registered, and of the time or times at which the same was or were respectively obtained: Provided always, that it shall be lawful for the several colleges and other bodies mentioned in the said Schedule (A.) to transmit from time to time to the said registrar lists certified under their respective seals of the several persons who, in respect of qualifications granted by such colleges and bodies respectively, are for the time being entitled to be registered under this Act, stating the respective qualifications and places of residence of such persons (*a*); and it shall be lawful for the registrar thereupon, and upon payment of such fee as aforesaid in respect of each person to be registered, to enter in the register the persons mentioned in such lists, with their qualifications and places of residence as therein dated, without other application in relation thereto.

\* \* \* \* \*

Persons  
practising  
in England  
before  
1st August,  
1815, entitled  
to be regis-  
tered.

XVII. Any person who was actually practising medicine in England before the first day of August, one thousand eight hundred and fifteen shall, on payment of a fee to be fixed by the general council, be entitled to be registered on producing to the registrar of the branch council for England, Scotland, or Ireland, a declaration according to the form in the Schedule (B.) to this Act signed by him, or upon transmitting to such registrar information of his name and address, and enclosing such declaration as aforesaid.

\* \* \* \* \*

Register to be  
published.

XXVII. The registrar of the general council shall in every year cause to be printed, published, and sold, under the direction of such council, a correct register of the names in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (D.) to this Act, or to the like effect, and medical titles, diplomas, and qualifications conferred by any corporation or university, or by doctorate of the Archbishop of Canterbury, with the dates thereof, of all persons appearing on the general register as existing on the first day of January in every year; and such register shall be called "The Medical Register;" and a copy of the Medical Register for the time being, purporting to be so printed and published as aforesaid, shall be evidence in all courts and before

(a) See 23 Vict. c. 7, s. 1.

all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be evidence, until the contrary be made to appear, that such person is not registered according to the provisions of this Act: Provided always, that in the case of any person whose name does not appear in such copy, a certified copy, under the hand of the registrar of the general council or of any branch council, of the entry of the name of such person on the general or local register shall be evidence that such person is registered under the provisions of this Act.

\* \* \* \* \*

XXXI. Every person registered under this Act shall be entitled according to his qualification or qualifications to practise medicine or surgery, or medicine and surgery, as the case may be, in any part of Her Majesty's dominions, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the cost of any medicines or other medical or surgical appliances rendered or supplied by him to his patients: Provided always, that it shall be lawful for any college of physicians to pass a byelaw to the effect that no one of their fellows or members shall be entitled to sue in manner aforesaid in any court of law, and thereupon such byelaw may be pleaded in bar to any action for the purposes aforesaid commenced by any fellow or member of such college. Privileges of registered persons.

XXXII. After the first day of January, one thousand eight hundred and fifty-nine (*b*), no person shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation, or for any medicine which he shall have both prescribed and supplied, unless he shall prove upon the trial that he is registered under this Act. None but registered persons to recover charges.

XXXIII. Provided also, that no person who on the first of October, one thousand eight hundred and fifty-eight shall be acting as medical officer under an order of the poor law commissioners or poor law board shall be disqualified to hold such office by reason of his not being registered as herein required, unless he shall have failed to be registered within six months from the passing of this Act (*c*). Poor law medical officers not disqualified if registered within six months of passing of Act.

XXXIV. After the first day of January, one thousand eight hundred and fifty-nine (*b*), the word \* "legally qualified medical practitioner" or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Meaning of terms "legally qualified medical practitioner," &c.

(*b*) See 22 Vict. c. 21, s. 1; and 23 Vict. c. 7, s. 3. to retain it here in order to render the repealing section intelligible.

(*c*) This section is repealed by 22 Vict. c. 21, s. 2, but it is necessary See also 23 Vict. c. 7, s. 4.

\* *Sic* in orig.

Act of Parliament, shall be construed to mean a person registered under this Act.

Registered persons exempted from serving on juries, &c.

XXXV. Every person who shall be registered under the provisions of this Act shall be exempt, if he shall so desire, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia, and the name of such person shall not be returned in any list of persons liable to serve in the militia, or in any such office as aforesaid.

Unregistered persons not to hold certain appointments.

XXXVI. After the first day of January, one thousand eight hundred and fifty-nine (*a*), no person shall hold any appointment as a physician, surgeon, or other medical officer either in the military or naval service, or in emigrant or other vessels, or in any hospital, infirmary, dispensary, or lying-in hospital, not supported wholly by voluntary contributions, or in any lunatic asylum, gaol, penitentiary, house of correction, house of industry, parochial or union workhouse or poorhouse, parish union (*b*), or other public establishment, body, or institution, or to any friendly or other society for affording mutual relief in sickness, infirmity, or old age, or as a medical officer of health, unless he be registered under this Act: Provided always, that nothing in this Act contained shall extend to repeal or alter any of the provisions of the Passengers Act, 1855 (*c*).

No certificate to be valid unless person signing be registered.

XXXVII. After the first day of January, one thousand eight hundred and fifty-nine (*a*), no certificate required by any Act now in force, or that may hereafter be passed from any physician, surgeon, licentiate in medicine and surgery, or other medical practitioner, shall be valid unless the person signing the same be registered under this Act.

\* \* \* \* \*

Penalty for falsely pretending to be a registered person.

XL. Any person who shall wilfully and falsely pretend to be or take or use the name or title of a physician, doctor of medicine, licentiate in medicine and surgery, bachelor of medicine, surgeon, general practitioner or apothecary, or any name, title, addition, or description implying that he is registered under this Act, or that he is recognized by law as a physician, or surgeon, or licentiate in medicine and surgery, or a practitioner in medicine, or an apothecary, shall, upon a summary conviction for any such offence, pay a sum not exceeding twenty pounds.

\* \* \* \* \*

Notice of death of medical practitioners to be given by registrars.

XLV. Every registrar of deaths in the United Kingdom on receiving notice of the death of any medical practitioner shall forthwith transmit by post to the registrar of the general council and to the registrar of the branch council a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate

(*a*) See 22 Vict. c. 21, s. 1; and 23 Vict. c. 7, s. 3.

(*b*) See 23 Vict. c. 7, s. 4.  
(*c*) See 18 & 19 Vict. c. 119.

and transmission as an expense of his office, and on the receipt of such certificate the medical registrar shall erase the name of such deceased medical practitioner from the register.

XLVI. It shall be lawful for the general council by special orders to dispense with such provisions of this Act or with such part of any regulations made by its authority as to them shall seem fit, in favour of persons now practising medicine or surgery in any part of Her Majesty's dominions other than Great Britain and Ireland by virtue of any of the qualifications described in Schedule (A.); and also in favour of persons practising medicine or surgery within the United Kingdom on foreign or colonial diplomas or degrees before the passing of this Act; and also in favour of any persons who have held appointments as surgeons or assistant surgeons in the army, navy, or militia, or in the service of the East India Company, or are acting as surgeons in the public service, or in the service of any charitable institutions, and also, so far as to the council shall seem expedient, in favour of medical students who shall have commenced their professional studies before the passing of this Act.

Provision for persons practising in the colonies and elsewhere, and for students.

\* \* \* \* \*

### SCHEDULE (A.)

1. Fellow (*d*), licentiate, or extra licentiate of the Royal College of Physicians of London.
2. Fellow (*d*) or licentiate of the Royal College of Physicians of Edinburgh.
3. Fellow or licentiate of the King's and Queen's College of Physicians of Ireland.
4. Fellow or member or licentiate in midwifery of the Royal College of Surgeons of England.
5. Fellow or licentiate of the Royal College of Surgeons of Edinburgh.
6. Fellow or licentiate of the Faculty of Physicians and Surgeons of Glasgow.
7. Fellow or licentiate of the Royal College of Surgeons in Ireland.
8. Licentiate of the Society of Apothecaries, London.
9. Licentiate of the Apothecaries Hall, Dublin.
10. Doctor, or bachelor, or licentiate of medicine, or master in surgery of any university of the United Kingdom; or doctor of medicine by doctorate granted prior to passing of this Act by the Archbishop of Canterbury.
11. Doctor of medicine of any foreign or colonial university or college, practising as a physician in the United Kingdom before the first day of October 1858, who shall produce certificates to the satisfaction of the council of his having taken his

degree of doctor of medicine after regular examination, or who shall satisfy the council, under section forty-five (*a*) of this Act, that there is sufficient reason for admitting him to be registered.

### SCHEDULE (B.)

DECLARATION required of a person who claims to be registered as a medical practitioner, upon the ground that he was in practice as a medical practitioner in England or Wales before the first day of August, 1815 :

To the Registrar of the Medical Council.

I,                    residing at                    in the county of                    hereby declare that I was practising as a medical practitioner at in the county of                    before the first day of August, 1815.

(Signed)                    [Name.]  
Dated this                    day of                    185 .

### SCHEDULE (D.)

Name.	Residence.	Qualification.	Title ( <i>b</i> ).
A.B. -	London - -	Fellow of the Royal College of Physicians of	
C.D. -	Edinburgh -	Fellow and Member of the Royal College of Surgeons of	
E.F. -	Dublin ( <i>c</i> ) -	Graduate in Medicine of University of	
G.H. -	Bristol - -	Licentiate of the Society of Apothecaries.	
I.K. -	London - -	Member of College of Surgeons and Licentiate of the Society of Apothecaries.	

(*a*) "Forty-six;" see 22 Vict. c. 21, s. 5.

(*b*) See ib. s. 3.

(*c*) See 23 Vict. c. 7, s. 1.

## 21 &amp; 22 VICT. CHAP. 101.

AN ACT to amend the Act of the Eighteenth and Nineteenth years of Her present Majesty, chapter sixty-three, relating to Friendly Societies. [2nd August, 1858.]

\* \* \* \* \*

II. The tenth section of the said Act (*d*) shall be repealed, and instead thereof be it enacted:

In any society in which a sum of money may be insured, payable on the death of a child under the age of ten years for the funeral expenses of such child, it shall not be lawful to pay any sum so insured unless the person who shall apply for such payment shall produce a certificate, signed by a qualified medical practitioner (*e*), stating the probable cause of death of such child; and if any trustee or officer of such society, upon an insurance of a sum payable on the death of any child under the age of ten years, shall knowingly pay a sum which shall raise the whole amount receivable from one or more than one society for the funeral expenses of a child under the age of five years to a sum exceeding six pounds, or of a child between the ages of five and ten years to a sum exceeding ten pounds, or shall pay any sum without indorsing the amount thereof on the back or at the foot of the medical certificate aforesaid; or if any parent or other person, who shall apply for such payment to more than one society, shall produce to the trustees or officers of one society any other or different certificate than that which he shall have produced to the trustees or officers of any other society, such trustee, officer, parent, or other person shall be liable to a penalty not exceeding five pounds for every such act, upon conviction before two justices of the county or borough in which such child shall have died: Provided that if the said child shall have been attended immediately before its death by the medical officer of any union on account of such union, he shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall not be entitled to receive any fee for the same; and if such child shall not have been attended by such medical officer as aforesaid, nor by any qualified medical practitioner, the medical officer of the union or parish in which such child shall have been resident shall deliver to the parents or friends of the deceased child, upon their application, a certificate stating the probable cause of death of such child, and shall be entitled to receive from the parties applying for the same a fee of one shilling.

\* \* \* \* \*

(*d*) *i. e.*, 18 & 19 Vict. c. 63.

(*e*) See 21 & 22 Vict. c. 90, s. 37.

## 22 VICT. CHAP. 21.

AN ACT to amend the Medical Act (1858). [19th April, 1859.]

21 & 22 Vict.  
c. 90.

WHEREAS by an Act passed in the last session of Parliament, chapter ninety, "The Medical Act," provision is made for the registration of members of the medical profession, and certain disabilities are imposed, after the first day of January one thousand eight hundred and fifty-nine, on members of the profession who are not then registered: And whereas, by reason of the time required for the collection and examination of the proper evidence on the first formation of "The Medical Register," it is expedient to amend the said Act as hereinafter mentioned: And whereas it is expedient that Schedule (D.) of the aforesaid Act should be amended: And whereas in sections thirty-one and forty-seven of the Medical Act (1858) the terms "fellow" and "member" of the Royal Colleges of Physicians of London and Edinburgh are made use of, whilst in Schedule (A) in the same Act "fellows," "licentiates," and "extra-licentiates" of the said colleges are alone entitled to be registered: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

1st July 1859  
to be substituted in  
ss. 32, 34, 36,  
and 37, of re-  
cited Act for  
1st Jan. 1859.

I. The first day of July one thousand eight hundred and fifty-nine shall be substituted, in sections thirty-two, thirty-four, thirty-six, and thirty-seven respectively of the said Act, for the first day of January one thousand eight hundred and fifty-nine (*a*); and the said several sections, and all provisions of the said Act having reference thereto, shall be construed and take effect as if the word July had been originally inserted in each of the said sections instead of the word January.

Section 33 of  
recited Act  
repealed.

II. Section thirty-three of the said Act shall be repealed, and no person shall by reason of the said Act be or be deemed to have been disqualified to hold such office as mentioned in the said section thirty-three, or any appointment mentioned in the said section thirty-six, unless he shall have failed to be registered on or before the first day of July one thousand eight hundred and fifty-nine (*b*).

Fourth column  
of Sched-  
ule (D.) re-  
pealed.

III. The fourth column of Schedule (D.) of the said Act with its heading shall be repealed and omitted.

The term  
"member"  
to be added  
in first and  
second heads  
of Sched-  
ule (A.)

IV. The term "member" shall be added after the term "fellow" to the qualifications described in the first and second heads of Schedule (A.)

The words  
"forty-six"  
to be sub-  
stituted for  
"forty-five"  
in Sched-  
ule (A.)

V. And whereas in Schedule (A.) of the said Act there is a reference to section "forty-five," but the word "five" is there inserted by mistake: Now it is hereby enacted, that the words "forty-six" shall be deemed to be substituted in this schedule in the place of the words "forty-five."

\* \* \* \* \*

(*a*) See 23 Vict. c. 7, s. 3.

(*b*) See 23 Vict. c. 7, s. 4.

## 22 VICT. CHAP. 27.

AN ACT to facilitate Grants of Land to be made near populous Places for the use of regulated recreation of Adults, and as Playgrounds for Children. [19th April, 1859.]

WHEREAS the want of open public grounds for the resort and recreation of adults, and of playgrounds for children and youth, is much felt in the metropolis and other populous places within this realm, and by reason of the great and continuous increase of the population and extension of towns such evil is seriously increasing, and it is desirable to provide a remedy for the same: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. Any lands may be lawfully conveyed to trustees, to be held by them as open public grounds for the resort and recreation of adults, and as playgrounds for children and youth, or either of such purposes, and for any estate, and subject to any reservation, restrictions, and conditions which the donor or grantor may think fit: But this enactment shall not extend to authorize any lands to be so conveyed for any greater estate or interest than the donor or grantor would, independently of this Act, have power to dispose of.

II. Any such conveyance of land to trustees may be in the following form, subject to any modification thereof which the case may require:

"I, A. B., do hereby convey and grant to \_\_\_\_\_, as trustees for public ground for the parish [or parishes] of [here describe the lands conveyed or granted], to be held by them as public ground for the purposes of "The Recreation Grounds Act, 1859."

And it is hereby enacted, that the grant or conveyance of such lands shall not require enrolment, nor to be by indenture, and shall be valid, although the donor or grantor shall die within twelve calendar months after the making of such grant, any of the provisions of the Act passed in the ninth year of the reign of King George the Second, chapter thirty-six, to the contrary notwithstanding.

\* \* \* \* \*

IV. With respect to lands belonging to any parish, such grant may and shall be made by the trustees or feoffees (if there shall be such), or otherwise by the churchwardens and overseers of the parish, in pursuance of a resolution for that purpose of the vestry or other body having the management of the affairs of such parish, passed in meeting duly assembled for

Lands may be conveyed to trustees, to be held by them as public grounds, &c.

Form of conveyance.

How grants or lands belonging to parishes may be made.

the purpose, and with the approbation of the poor law board, to be testified by their seal being affixed to the deed of conveyance.

Appointment  
of trustees.

V. With respect to the appointment of trustees for holding any such grounds for the purpose aforesaid, the lord of any manor, or the churchwardens of any parish, or the overseers of the poor of any parish or township, or all or any of such persons to whom lands shall have been conveyed as aforesaid, shall be a body corporate for taking, holding, and disposing of such grounds, and instituting, maintaining, and defending any proceedings relating thereto; but the management and direction of the same shall be and remain in such persons as may be named in the deed of conveyance thereof; and in case no such person shall be so named, or there shall be a failure of such managers and directors, the charity commissioners for England and Wales shall have power to settle a scheme for the appointment of the managers and directors.

\* \* \* \* \*

Extent of Act,  
and short  
title.

VIII. This Act shall extend to England and Ireland only, and may be cited for all purposes by the title of "The Recreation Grounds Act, 1859."

## 22 & 23 VICT. CHAP. 32.

AN ACT to amend the Law concerning the Police in Counties and Boroughs in England and Wales.

[13th August, 1859.]

\* \* \* \* \*

Limitation of  
borough  
watch rate  
under 2 & 3  
Vict. c. 28,  
and 3 & 4 Vict.  
c. 28, repealed.

V. So much of the Acts passed in the second and third years of Her Majesty, chapter twenty-eight, for more equally assessing watch rates in certain boroughs (*a*), and of the Act passed in the third and fourth years of Her Majesty, chapter twenty-eight (*b*), to explain and amend the previously mentioned Act, as provides that the amount of watch rate to be levied by the council of any borough shall not exceed in any one year the rate or sum of sixpence in the pound, or otherwise limits the discretion of the said council in relation to the amount of such rates, shall be repealed.

Rates under  
the said Act;  
not to exceed  
3*d*. in the  
pound.

VI. The watch rates levied under the authority of the said Act may be of any amount, at the discretion of the council, not exceeding in any one year the sum of eightpence in the pound.

\* \* \* \* \*

(*a*) See 2 & 3 Vict. c. 28, s. 1.

(*b*) See 3 & 4 Vict. c. 28, s. 2.

## 22 &amp; 23 VICT. CHAP. 49.

AN ACT to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts. [13th August, 1859.]

WHEREAS it is expedient to define and limit the period during which any debt hereafter incurred by guardians of unions or parishes or by district boards of management in the administration of the laws for the relief of the poor may be paid, and to make provision in respect of debts heretofore lawfully incurred by them, for payment of the same: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. With respect to any debt, claim, or demand which may, after the passing of this Act, be lawfully incurred by or become due from the guardians of any union or parish, or the board of management of any school or asylum district, such debt, claim, or demand shall be paid within the half year in which the same shall have been incurred or become due, or within three months after the expiration of such half year, but not afterwards, the commencement of such half year to be reckoned from the time when the last half year's account shall or ought to have been closed according to the order of the poor law commissioners or poor law board (c): Provided that the poor law board, by their order, may, if they see fit, extend the time within which such payment shall be made for a period not exceeding twelve months after the date of such debt, claim, or demand.

When debts in future are to be paid.

Power to the poor law board to extend the time.

(c) See 33 Vict. c. 2, s. 1.

## EFFECT OF ENACTMENT.

Property, real as well as personal, vested in the guardians of a union, for the general benefit of the parishes in the union, was held liable to the debts of judgment creditors: *Attorney General v. Wilkinson*, 28 L. J. Ch. 392; 32 L. T. 386; 23 J. P. 211. But upon appeal, the lords justices extended an injunction obtained against levying upon money in the hands of the treasurer, against the goods, chattels, lands, hereditaments, money and property of the guardians as prayed by a bill and information filed against the judgment creditor and sheriff: *Id.*, 29 L. J. Ch. 41.

*Decisions on sect. 1.*

A creditor of the guardians cannot recover in an action commenced after the expiration of the half year and three months, the time not having been extended by the poor law board, although at the time of the commencement of the action they might have done so.—*Semble*, if the poor law board afterwards extend the time for payment, a fresh action may be brought. *Per Pigott, B.* The Act is in effect a statute of limitations, and should be looked at as such: *Baker v. Billericay*, 9 Jur. (N.S.) 1201; 9 L. T. (N.S.) 486; 33 L. J. (N.S.) M. C. 40; 2 H. & C. 642; 28 J. P. 24.

As to payment of debts incurred before the passing of this Act.

II. With respect to any debt, claim, or demand which may have been lawfully incurred by any such guardians or board of management or on their account before the passing of this Act, they may, if they think proper, pay within twelve months after the passing of this Act, out of the funds in their possession, any such debt, claim, or demand which may have been so incurred or have become due within two years before the date of this Act, and may, within the said period of twelve months, make provision for the payment of any debt, claim, or demand lawfully incurred as aforesaid which shall have become due from them at some time beyond two years but not beyond six years from such date in full at once, or by equal annual instalments, not exceeding five, if the poor law board, after open and public investigation, during which counsel or solicitors may appear and witnesses may be examined on both sides, when the same shall be required by any ratepayer of the union, parish, or district, shall be satisfied that no fraud, collusion, or neglect of the general rules of the poor law board respecting the contraction or discharge of such debt, claim, or demand have been committed by the party to whom such claim or demand is alleged to be due, and that such party has not been accessory to any fraud on such guardians or board of management, and shall give their consent in manner aforesaid to such payment; and such guardians or board respectively shall charge every such payment to the account to which the same should have been charged if the payment had been made in due time; and the president or secretary of the poor law board shall, within one calendar month after the expiration of such period of twelve months as aforesaid, if parliament be then sitting, or if not, then within one calendar month after the next meeting thereof, lay or cause to be laid before both houses of parliament a return of all such payments as shall have been made or authorized under the power lastly hereinbefore contained.

Provision for charges on the rates.

III. Where any sum shall have been or shall be borrowed by any guardians or managers, and the debt shall have been or shall be charged by the said guardians upon the poor rates, under the authority of any statute, and the same shall be made payable on a day certain, the time of limitation prescribed by

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#### RIGHT OF ACTION BY CREDITORS.

*Decision on sect. 2.*

L. sued the City of London Union for a debt incurred four years before the passing of the Act 22 & 23 Vict. c. 49. By sect. 2, the guardians may pay such debt if the poor law board consent. By sect. 4, if any creditor sue within a year, or such further time as the poor law board may grant, and prosecute with all due diligence till judgment, such judgment shall be satisfied by the guardians, though recovered after the time limited.—*Semble*, it was not necessary for L. to obtain the consent of the poor law board before bringing his action within the 4th section: *Luce v. City of London Union*, 24 J. P. 358.

this Act for payment of debts shall commence on that day ; where it shall not have been made payable on any day certain, then on the expiration of twelve months from the day when the money was advanced ; and in the case of any debt repayable by instalments each instalment shall be payable within one year next after the day when the same shall fall due, unless the said board shall in any of the cases provided for in this section allow an extension of the time for the payment not exceeding six months ; and the interest payable in every case hereby provided for shall be payable within the like times only as the principal.

IV. If any person claiming any debt or demand shall have commenced or shall hereafter commence proceedings in any court of law or equity, or before any justice or other competent authority, within the time hereinbefore limited, or within the time to which the poor law board may grant extension, and shall with due diligence prosecute such proceedings to judgment or other final settlement of the question, such judgment shall be satisfied by the guardians or managers against whom or against whose officer the same may be brought, notwithstanding that such judgment may be recovered or such final settlement arrived at after the expiration of the period hereinbefore provided, and all proceedings taken by *mandamus* or otherwise for the enforcing of such judgment without delay shall be deemed to be within the operation of this section.

Provision for actions against guardians or managers.

V. Where the guardians or managers shall be engaged in a suit, action, or proceedings in any court they shall not be required by any rule of law or provision herein contained to pay the bill of costs of any solicitor or attorney retained by them for the purpose thereof until the final determination of such suit or proceeding, or until he shall cease to be so retained by or for them therein ; but the bill of costs of such solicitor or attorney shall be duly taxed and paid within the term of one year next after such final determination of the said suit, proceeding, or retainer, and not afterwards, unless the poor law board shall authorize an extension of time, not exceeding six months (a) ; provided that if the said solicitor or attorney take proceedings for the recovery of his bill within such time or the extension thereof, he shall in such case have the same right to be paid as in section four ; provided also, that nothing herein contained shall prevent the guardians or managers from paying money at any time on account of the suit or proceeding (b).

Payment of attorneys bills, delay of.

VI. No call or order for contribution made by any guardians, nor any poor rate made to meet such call or order, shall be deemed to be illegal on the ground that the same is made to provide for any debt, claim, or demand, the payment whereof is authorized by this Act, or on the ground that the said call or order for contribution includes a balance due from any parish

No call or order to be invalidated.

(a) See 33 Vict. c. 2, s. 1.

(b) See 11 & 12 Vict. c. 91, s. 2.

or parishes at the time when the half-yearly accounts are made up and balanced as aforesaid (a): Provided always, that when the fund out of which any such debt, claim, or demand should have been discharged shall have been already paid by any parish to the board of guardians of any union, and shall not have been applied for that purpose, any funds which may be required to be again contributed to discharge such debt, claim, or demand shall be levied on each parish in the union in proportion to the rateable value of each such parish.

Interpretation  
of terms.

VII. The words used in this Act shall be construed in like manner as the same words are directed to be construed by the Act of the fourth and fifth years of King William the Fourth, chapter seventy-six, or any subsequent Act amending or explaining the same (b).

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22 & 23 VICT. CHAP. 65.

AN ACT for amending the Acts for the better Regulation of Divisions in the several Counties of England and Wales.

[18th August, 1859.]

9 Geo. IV.  
c. 43.

WHEREAS by an Act passed in the ninth year of his late Majesty King George the Fourth, intituled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," the court of quarter sessions is empowered, in certain cases, to make orders for altering existing divisions and for constituting new divisions for holding petty and special sessions (c): And whereas an Act for more effectually executing the said recited Act was passed in the tenth year of His said late Majesty (d), and another Act for amending the said recited Act was passed in the sixth year of his late Majesty William the Fourth: And whereas doubts have arisen whether under the said first herein-recited Act the justices therein mentioned

10 Geo. IV.  
c. 46.

6 & 7 Will. IV.  
c. 12.

(a) See 24 & 25 Vict. c. 55, s. 11. (c) See 9 Geo. 4, c. 43, s. 7.  
(b) See 4 & 5 Will. 4. c. 76, s. 109. (d) See 10 Geo. 4, c. 46, s. 1.

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RETROSPECTIVE EFFECT OF STATUTE.

*Decision on*  
*22 & 23 Vict.*  
*c. 49, s. 6.*

The 6th section of 22 & 23 Vict. c. 49, is retrospective in its operation. The guardians of a union made an order upon a parish therein for payment of a sum which included a balance due from the parish at the preceding half year, which balance was made up of the accumulated balances of several successive years. This order, it was held, was rendered valid by the 6th section of 22 & 23 Vict. c. 49; and a refusal of justices to order payment of money under such an order is no bar to future proceedings to enforce it, the refusal being ground of appeal under 20 & 21 Vict. c. 43: *City of London Union, app., Acocks, resp.*, 8 C. B. (N. S.) 760; 24 J. P. 502.

are empowered to divide any parish, tything, township, or place for the purpose of including any part or parts thereof respectively in any division constituted under the said Acts or any or either of them : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present parliament assembled, and by the authority of the same, as follows :

I. It shall be lawful for the said justices, if they shall think fit, to divide any parish, tything, township, or place for the purpose of altering or constituting such divisions, and after any order of the said justices for altering or constituting any division under the said Acts shall have taken effect the part or parts of any parish, tything, township, or place included in any division altered or constituted by such order shall be deemed and taken to be part of such division for all the purposes of the said Acts, but not further or otherwise.

Justices may divide parishes, &c. for constituting divisions of counties.

II. Whensoever the court of quarter sessions shall, under the provisions herein or in the said recited Acts contained, make an order for dividing any parish, tything, township, or place for the purpose of altering or constituting such divisions as aforesaid, and it shall appear to the court that any inconvenience may arise therefrom in or respecting the appointment or duties of any bailiffs, constables, or tythingmen, surveyors, overseers of the poor, or other officers or persons, the court of quarter sessions shall or may, at the same or at any future sessions, make such order in respect of the said appointments and duties as the court shall deem necessary or expedient.

Court to make order in respect of the appointments and duties of officers.

## 23 VICT. CHAP. 7.

AN ACT to amend the Medical Acts.

[23rd March, 1860.]

WHEREAS by an Act passed in the twenty-first and twenty-second years of the reign of Her Majesty, chapter ninety, intitled "The Medical Act," provision is made for the registration of members of the medical profession, and the said Act was amended by an Act passed in the twenty-second year of the reign of Her Majesty, chapter twenty-one; and certain disabilities are imposed by the said Acts, after a period mentioned therein, on members of that profession who are not then registered : And whereas it is expedient that the said recited Acts should be amended as hereinafter mentioned : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

21 & 22 Vict. c. 90.

22 Vict. c. 21.

Licentiate in surgery of any university in Ireland entitled to be registered under first-recited Act in like manner as masters in surgery.

I. From and after the passing of this Act the diploma or licence in surgery, granted by any university of that part of the United Kingdom called Ireland, legally authorized to grant the same, shall be considered a sufficient qualification to practice under the said first-recited Act, and every person to whom such diploma or licence has been granted shall be entitled to be registered under the provisions of the said first-recited Act, in the like manner, and with the like effect, and subject to the like provisions as are prescribed by the said first-recited Act in respect of the registration of any master in surgery of any university of the United Kingdom (a).

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1st. Jan. 1861 to be substituted in sections 32, 34, 36, and 37 of first-recited Act, for 1st July, 1859, so far as relates to persons authorized to be registered under this Act.

III. The first day of January, one thousand eight hundred and sixty-one, shall be deemed to be substituted in sections thirty-two, thirty-four, thirty-six, and thirty-seven respectively of the said first-recited Act, as the same are amended by the said second-recited Act, for the first day of July, one thousand eight hundred and fifty-nine, so far as the same relate to any person authorized to be registered under this Act; and the said several sections, as so amended, and all the provisions of the said Act having reference thereto, shall, with respect to any such person so authorized to be registered under this Act, be construed and take effect as if the words "the first day of January, one thousand eight hundred and sixty-one" had been originally inserted in each of the said sections instead of the words "the first day of July, one thousand eight hundred and fifty-nine."

No person authorized to be registered disqualified to hold certain offices, unless he has failed to be registered.

IV. No person authorized to be registered under this Act who shall be acting as medical officer under an order of the poor law commissioners, or poor law board, shall by reason of the said recited Acts, or either of them, be or be deemed to have been disqualified to hold such office, or any appointment mentioned in section thirty-six of the said first-recited Act, unless he shall have failed to be registered on or before the first day of January, one thousand eight hundred and sixty-one (b).

Recited Acts and this Act to be as one.

V. The said recited Acts and this Act shall be construed together as one Act.

Short title.

VI. This Act may for all purposes be cited as "The Medical Acts Amendment Act, 1860."

(a) See 21 & 22 Vict. c. 90, s. 15, and Sch. (D.)

(b) See ib. s. 36; and 22 Vict. c. 21, s. 2.

## 23 &amp; 24 VICT. CHAP. 51.

AN ACT to provide for an annual Return of Rates, Taxes, Tolls and Dues levied for local purposes in England (c).

[23rd July, 1860.]

WHEREAS rates, taxes, tolls, and dues to a large amount are levied for purposes of local government and improvements in England, and it is proper that parliament should be informed annually of all sums so levied, and the expenditure thereof, but in many cases no sufficient provision has been made for that purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The clerk to any corporation, justices, commissioners, district or other board, vestry, inspectors, trustees, or other body or persons authorized to levy or to order to be levied any of the rates, taxes, tolls, or dues mentioned in the schedule to this Act, or any other compulsory rates, taxes, tolls, or dues in England (other than such as are levied for the public revenue of the United Kingdom), shall make a return of the sums levied or received by or in respect of such rates, taxes, tolls, and dues, and of the expenditure thereof, to one of Her Majesty's principal secretaries of state in the month of June in every year; the first return to be made in the month of June, one thousand eight hundred and sixty-one.

Clerks of bodies empowered to levy rates, &c. to make annual returns to secretary of state.

II. Such returns shall be made for the latest period of twelve months preceding the month of June in each year for which the accounts of the corporation, justices, commissioners, board, inspectors, trustees, or other body or persons, shall be made up, and shall show the amounts levied and expended respectively, with such other particulars and in such form as shall from time to time be ordered by such secretary of state.

Returns to be made for the latest year for which accounts are made up.

III. Where no clerk is appointed or acting, the treasurer or other officer keeping the accounts of the receipts and expenditure of the corporation, justices, commissioners, board, vestry, inspectors, trustees, or other body or persons by whom any rates, taxes, tolls, or dues hereinbefore mentioned are levied or ordered to be levied shall make the returns in relation thereto; and where any such rates, taxes, tolls, or dues are levied and expended or to be accounted for by churchwardens, chapelwardens, or any officers or persons not authorized to act as a board, such returns as hereinbefore mentioned in respect of such rates, taxes, tolls, or dues, and the expenditure thereof shall be made by

Who are to make returns in certain cases.

such churchwardens, chapelwardens, or other officers or persons, and they shall be severally liable in respect of any neglect to make the same.

Penalty for default.

IV. Any clerk, treasurer, churchwarden, officer, or other person required as aforesaid to make such return who neglects so to do in the month of June in any year shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recoverable on summary conviction thereof before two justices.

Saving for returns already required.

V. Where any annual return is now by law required to be made to the secretary of state, or to any public department, under any Act of parliament, this Act shall not render necessary any further or other return in respect of the same matters: Provided always, that the said secretary of state may, by his order published in the *London Gazette*, direct that all or any of such returns now required as aforesaid shall in future be made under this Act, and shall be subject to the provisions and penalties thereof.

Abstracts of returns to be laid before parliament.

VI. The said secretary of state shall every year cause the returns transmitted to him under this Act to be abstracted, and the abstract thereof to be laid before both houses of parliament.

Poor-rate returns to be made to poor law board as heretofore.

VII. This Act shall not extend to the rates levied for the relief of the poor, or the expenditure thereof, but the returns thereof shall continue to be made to the poor law board, as by the orders of such board shall from time to time be directed.

Saving for joint-stock companies and private rights of toll, &c.

VIII. This Act shall not extend to any tolls or dues taken by any railway, canal, or joint-stock company as profits of their undertaking, or to any tolls or dues taken by prescription or otherwise as private property.

## SCHEDULE.

Church rates and chapel rates; whether made by the common law or under the Church Building Acts, or under any other Act of parliament (*a*).

Sewers rates and "General Sewers Tax," and all rates, scots, and taxes levied by courts or commissioners of sewers; whether levied under the Acts of the 3 & 4 Will. 4, c. 22, and 4 & 5 Vict. c. 45, or under any other Act of parliament, or by charter, usage, or custom.

Rates under the Act for the lighting and watching of parishes, 3 & 4 Will. 4, c. 90.

Rates levied by improvement commissioners or other commissioners, or by any trustees or corporation acting under any local Act for the paving, draining, cleansing, or watching, improvement or regulation of any town or district.

(*a*) See 31 & 32 Vict. c. 109.

Rates levied by or under the order of any vestry or district board, under the Act 18 & 19 Vict. c. 120, for the better local management of the metropolis.

Tolls and dues levied under the authority of parliament in respect of markets, bridges, or harbours.

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23 & 24 VICT. CHAP. 68.

AN ACT for the better Management and Control of the Highways in South Wales. [6th August, 1860.]

WHEREAS an Act was passed in the session holden in the fourteenth and fifteenth years of Her Majesty, chapter sixteen, for the better management and control of the highways in South Wales: And whereas in pursuance of the said Act the six counties of South Wales have been divided by the county roads boards of their respective counties into districts for the better repair and maintenance of the highways: And whereas it is expedient that the said Act should be repealed and other provisions be made in lieu thereof: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. The said Act shall be and is hereby repealed: Provided that nothing in this Act, except as hereinafter provided, shall in any way affect or alter the aforesaid highway districts, or the appointments of any officers, but such districts shall remain for the purposes of this Act, and such officers shall respectively hold office on the like tenure as if appointed under this Act.

Recited Act repealed, but repeal not to affect districts or appointments.

VII. The maintenance and repairs of the several highways situate and being within the several districts which have been or shall be hereafter formed, shall, subject to the authority of the said county roads board, be under the care and management of local boards, to be styled Highway Boards, and which are and shall hereafter be constituted in manner following; that is to say, all persons who are now elected or who shall hereafter be elected guardians of the poor for the parish or parishes contained in such district during the period they are such guardians, and all Her Majesty's justices residing within or acting at any petty sessions within or holden for the district, shall constitute the highway board for such district, and such justices shall not by reason of being members of such highway board be incapable of acting as justices of the peace in the execution of this Act, or in any matters relating to the highways under the care and management of said board; and every such board shall be a body corporate by the style of the

Highways to be continued under the care and management of existing local boards.

highway board for the district of (inserting the name of the highway district), and by that name shall have perpetual succession and a common seal, and sue and be sued, and have power and authority (without licence in mortmain) to hold lands for the purposes of the highways.

\* \* \* \* \*

Expenses of  
highway  
board, how to  
be defrayed.

XXI. Every highway board, for defraying the repairs, expenses, and apportioned part of expenses chargeable as aforesaid on each parish within their district, shall from time to time, by order under their seal, require the overseers of such parish to levy, and to pay over to the treasurer of such board, or into any bank in such order mentioned, and within the time or times thereby limited, the sum which, after giving due credit to such parish for all penalties and other moneys received in respect thereof, such board may require for the purpose aforesaid (and any such order may be made wholly or in part in respect of expenses incurred at any time within six months before the making of the order, or of expenses to be thereafter incurred); and where any parish within the meaning of this Act is part only of any parish for which overseers are appointed, the highway board shall specify in their order the part of such last-mentioned parish on which any sum required by such board is to be levied.

Overseers to  
levy rates for  
raising the  
money re-  
quired by  
highway  
board.

XXII. The overseers of the poor of the parishes to whom such orders as aforesaid are issued shall levy the amounts mentioned therein according to the exigency thereof, and shall for that purpose make separate equal pound rates upon their parishes, or the parts thereof respectively upon which the sums specified in such orders are required to be levied, in respect of the sums thereby ordered to be levied, and shall make such rates of such amount in the pound on the annual value of the property rateable as will in their judgment, having regard to all circumstances, be sufficient to raise the sums specified in such orders; and such rates shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in the respective parishes, and shall be assessed upon the net annual value of such property, ascertained by the rate for the time being for the relief of the poor, provided that the rate shall also extend to such woods, mines and quarries of stone, or other hereditaments, as were before the said Act of the fifth and sixth years of King William the Fourth usually rated to the highways; and the said overseers shall, for the purpose of levying such rates, proceed in the same manner, and have the same powers, remedies, and privileges, as for levying money for the relief of the poor, and all such rates shall be allowed in the same manner, and be subject to all the same provisions in relation to appeal and to excusing persons from payment on account of poverty, and otherwise, as the rate for the relief of the poor in the same parish; and such overseers shall pay to the treasurer of the highway board, or otherwise as in such orders directed, the sums mentioned in the orders within the

time or respective times specified for that purpose, and the excess, if any, which may have been levied beyond such sums shall be placed to the credit of the parish or part in which the same has been levied; and the said overseers shall, at the time of making any such payment, deliver with the money a note in writing signed by them specifying the amount so paid, which note shall be kept as a voucher for the receipt of that particular amount; and the receipt of the treasurer of the board or of any proper officer or person of or belonging to any bank into which such money is so paid, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount.

XXIII. In every parish in which a paid collector of poor rates shall have been or may hereafter be duly and legally appointed, every such collector shall, if the highway board so direct and authorize him, collect the highway rate for every such parish, and the highway board shall determine the salary or additional salary to be paid to every such collector, and every such collector shall have all the same powers, remedies, and privileges for the levying and enforcing the payment of such rates as the overseers of the poor have under this Act; and it shall be lawful for every highway board, and they are hereby required, to take security from every collector authorized to collect the highway rate under this Act, which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time.

Power to highway board to direct paid collectors of poor rate to collect highway rate.

XXIV. Provided always, that the rate or rates to be levied for defraying any expenses under this Act shall not exceed in any one year the amount in the pound of the rateable value of the property rateable thereto under this Act now by law limited in respect of the highway rate (a).

Restriction in amount of rates.

XXV. In case the amount ordered by any such order as aforesaid to be paid by the overseers of any parish be not paid in manner directed by such order and within the time or times therein specified for that purpose, it shall be lawful for any two justices of the peace, upon the complaint by the board or by any person authorized by them for this purpose, to issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers, and in case the goods of all the overseers be not sufficient to pay the same the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this Act, and shall be collected by the like methods.

Overseers on non-payment of the rate shall be distrained upon.

XXVI. Any highway board may, in case of any default or neglect of any overseers to pay the amount required by any such order as aforesaid, within the time or times and in the manner directed by such order appoint persons to levy any money required by such board for the purposes of this Act in

Special persons may be appointed to levy rates on default of overseers.

(a) See 5 & 6 Will. 4, c. 50, s. 29.

any parish, and such persons shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations and penalties with reference to the levying of such money, as any overseers would have had or been subject to with reference to levying any such money in pursuance of an order of the highway board.

\* \* \* \* \*

Proceedings in case highways are not kept in repair.

\* *Sic* in orig.

XL. From and after the passing of this Act, if any highway is out of repair, or is not well and sufficiently repaired and amended, an\* information thereof on the oath of one credible witness is given to any justice of the peace, it shall and may be lawful for such justice and he is hereby authorized and required to issue a summons requiring the surveyor of the district in which such highway is situated, or other person or body politic or corporate chargeable with such repairs, to appear before the justices at some petty sessions in the said summons mentioned to be held within the division in which the said highway may be situate, and the said justices shall either appoint some competent person to view the same, and report thereon to the justices in petty sessions assembled on a certain day and place then and there to be fixed, at which the said district surveyor or other party as aforesaid shall be directed to attend, or the said justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the justices at such petty sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the person so appointed by them to view, or on the view of the said justices, that the said highway is not in a state of thorough and effectual repair, they the said justices at such last-mentioned petty sessions shall make an order requiring the said district surveyor to repair the said highway within a time limited therein, and shall make an order requiring the overseers of the poor, or other party or body politic or corporate liable to the repair of the said highway, to pay to the treasurer, at such time or times as they shall direct, either in one sum or by instalments, a sum of money to be therein stated, which shall be equal in amount to the sum which the said justices shall on the evidence produced before them judge requisite for the repairing such highway; and in default of such money being paid within the time so limited, it shall be lawful for any two justices of the peace to issue their warrant for levying the amount of money or so much thereof as may not be paid within the time limited, by distress and sale of the goods of the said overseers of the poor, and such money, when recovered, shall be applied to the repair of such highway; and in case more parties than one are bound to repair any such highway, the said justices shall direct in their order what proportion shall be paid by each of the said parties: Provided nevertheless, that the said justices shall not have power to make such orders as aforesaid in any case where the duty or obligation of repairing the said highway comes in question.

\* \* \* \* \*

Power to justices to order highways to be repaired at the expense of the parties liable.

If money not paid the same to be levied by distress.

XLIV. This Act shall extend only to South Wales, and in the construction of this Act “South Wales” shall include and comprise the six counties following, and no others, viz., the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan.

XLV. In the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word “parish” shall mean any parish, place, or district maintaining its own highways, or which, if this Act and the said Act of the fourteenth and fifteenth years of Her Majesty had not been passed, would have maintained its own highways, and where part only of any such parish, place, or district is comprised in a highway district constituted under this Act shall mean such part; the word “borough” shall mean a borough according to the meaning of the Act of the session holden in the fifth and sixth years of King William the Fourth, “for the Regulation of Municipal Corporations in England and Wales” (a), or any corporate place which since the passing of that Act has become subject to the provisions thereof; and the word “county” shall mean any county, riding, division, or liberty, having a separate court of quarter sessions of the peace.

Interpretation  
of terms.

### 23 & 24 VICT. CHAP. 75 (b).

AN ACT to make better Provision for the Custody and Care of Criminal Lunatics.  
[6th August, 1860.]

WHEREAS by the Act of the session holden in the thirty-ninth and fortieth years of King George the Third, chapter ninety-four, and the Act of the session holden in the third and fourth years of Her Majesty, chapter fifty-four, Her Majesty is empowered, where any person is charged with any such offence as therein mentioned, and acquitted on account of insanity, and where any person is indicted for any offence and upon an arraignment is found insane, to give order for the safe custody of such person during Her pleasure, in such place and in such manner as she may think fit; and by the said Act of the third and fourth years of Her Majesty one of Her Majesty's principal secretaries of state is empowered, upon such certificate as therein mentioned of the insanity of any person imprisoned as therein mentioned, to direct such person to be removed to such county lunatic asylum, or other proper receptacle for insane persons, as the said secretary of state may judge proper and appoint: And whereas by the Acts of the session holden in the fifth and sixth years of Her Majesty, chapter twenty-nine, and

39 & 40  
Geo. III. c. 94.  
3 & 4 Vict.  
c. 54.  
5 & 6 Vict.  
c. 29.

(a) See 5 & 6 Will. 4, c. 76, s. 142. (b) See 27 & 28 Vict. c. 29, s. 4.

6 & 7 Vict.  
c. 26.

Her Majesty  
may appoint  
asylum for  
criminal  
lunatics.

Secretary of  
state may  
direct  
criminal  
lunatics to  
be confined in  
the asylum.

Nothing to  
affect the  
authority of  
the Crown to  
make other  
provision for  
the custody of  
a criminal  
lunatic.

of the session holden in the sixth and seventh years of Her Majesty, chapter twenty-six, the said secretary of state is empowered to order any convict in Pentonville or Millbank prison becoming or found insane during confinement to be removed to such lunatic asylum as the said secretary of state may think proper: And whereas it is expedient that provision should be made for the custody and care of criminal lunatics in an asylum or asylums appropriated to that purpose: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

I. It shall be lawful for Her Majesty from time to time, by warrant under her royal sign manual, to appoint that any asylum or place in England which Her Majesty may have caused to be provided or appropriated, and may deem suitable for this purpose, shall be an asylum for criminal lunatics, and the provisions of this Act shall be applicable to every such asylum.

II. It shall be lawful for one of Her Majesty's principal secretaries of state, by warrant under his hand, to direct to be conveyed to and kept in any such asylum any person for whose safe custody during her pleasure Her Majesty is authorized to give order, or whom such secretary of state might direct to be removed to a lunatic asylum under any of the Acts hereinbefore mentioned (*a*), or under any other Act of parliament, or any person sentenced or ordered to be kept in penal servitude, who may be shown to the satisfaction of the secretary of state to be insane, or to be unfit from imbecility of mind for penal discipline; and the secretary of state may direct to be removed to and kept in such asylum any such persons as aforesaid, who, under any previous order of Her Majesty or warrant of the secretary of state, may have been placed and remain in any county lunatic asylum, or other place of reception for lunatics, and every person directed by the secretary of state to be conveyed or removed to and kept in an asylum under this Act, shall be conveyed to such asylum accordingly, and shall be kept therein until lawfully removed or discharged, and that with every person so conveyed or removed there shall be transmitted a certificate, as set forth in Schedule (A.) to this Act annexed, duly filled up and authenticated, the contents of which certificate shall be transcribed into the general register to be kept in every such asylum.

III. Nothing in this Act shall restrain or affect the authority of Her Majesty, where she may so think fit, to give such other order for the safe custody of any such person as aforesaid as she might have given if this Act had not been passed, or restrain or affect the authority of the secretary of state to continue in or direct to be removed to any county asylum or

(*a*) See 3 & 4 Vict. c. 54, s. 1.

other place for the reception of lunatics any of the persons aforesaid whom he might have so continued or directed to be removed if this Act had not been passed.

\* \* \* \* \*

VI. Subject to the rules certified by the secretary of state under this Act, the council of supervision shall superintend and direct the management and conduct of the asylum, and the care and treatment of the lunatics confined therein; and the council or any two of them shall from time to time, as by the rules shall be provided, and at such other times as they may think fit, report in writing to the secretary of state in relation to the management and conduct of the said asylum and the condition thereof, and to any matters concerning the same; and if any person detained and confined as aforesaid shall be of a religious persuasion differing from that of the Established Church, a minister of such persuasion at the special request of such person or of his friends or relations shall be allowed to visit him at proper and reasonable times by application to the medical superintendent, and under such rules as may be approved of by the secretary of state, but no such person shall be compelled to attend any of the ordinances or instructions of any religious persuasion other than his own.

Subject to such rules (b), council to superintend asylum.

VII. The provisions of the Acts hereinbefore mentioned, or of any other Act for the removal or discharge of lunatics whom the said secretary of state is, under the hereinbefore mentioned Acts or any other Act now in force, authorized to direct to be removed to any lunatic asylum, shall extend and apply to any lunatic whom the secretary of state may direct to be conveyed to any asylum for criminal lunatics appointed under this Act: Provided always, that any order for removal or discharge which may now be made by the secretary of state on the certificate of two physicians or surgeons may be made on the certificate of the resident medical superintendent of the asylum and any two of the council of supervision.

Provision as to removal and discharge of lunatics.

\* \* \* \* \*

IX. Provided also, that it shall be lawful for the secretary of state by his warrant to permit any person confined in the asylum to be absent from such asylum upon trial for such period as he may think fit, or to permit any such person to be absent from such asylum upon such conditions in all respects as to the secretary of state shall seem fit; and in case any person so permitted to be absent upon trial for any period do not return at the expiration of such period, or in case any of the conditions on which any person is so permitted to be absent be broken, the person not returning at such expiration or absent after any such condition has been broken, as the case may be, may be retaken as herein provided in the case of an escape (c).

Secretary of state may permit any lunatic to be absent from asylum on trial, &c.

(b) *i.e.*, of secretary of state, under sect. 5.

(c) See 30 Vict. c. 12, s. 4.

Provisions of 3 & 4 Vict. c. 54, as to expenses of conveyance and maintenance to apply to this Act.

Lunatics escaping may be retaken by superintendent, &c.

Punishment of persons for rescue or permitting escape.

Penalty on officers or servants ill-treating lunatics.

Commissioners in lunacy to visit asylums.

X. All provisions in the said Act of the third and fourth years of Her Majesty for the payment of the conveyance of such insane persons as therein mentioned to any asylum or other receptacle, and of his maintenance therein (a), shall extend and be applicable to the conveyance of any such person to any asylum for criminal lunatics, and his maintenance therein, and all sums payable under any order made under such provisions shall be paid and applied towards defraying or reimbursing the expenses in respect of which the same are paid, or other expenses of the asylum, as the commissioners of Her Majesty's treasury may direct (b).

XI. In case of escape of any person confined in any asylum for criminal lunatics, he may be retaken at any time by the superintendent of such asylum, or any officer or servant belonging thereto, or any person assisting such superintendent, officer, or servant in this behalf, or any other person authorized in writing in this behalf by the secretary of state or such superintendent, and conveyed to and received and detained in such asylum.

XII. Any person who rescues any person ordered to be conveyed to any asylum for criminal lunatics during the time of his conveyance thereto, or of his confinement therein, and any officer or servant in any asylum for criminal lunatics, who through wilful neglect or connivance permits any person confined therein to escape therefrom, or secretes, or abets or connives at the escape of any such person, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labour, at the discretion of the court, and any such officer or servant who carelessly allows any such person to escape as aforesaid, shall, on summary conviction before two justices of such offence, forfeit any sum not exceeding twenty pounds nor less than two pounds.

XIII. Any superintendent, officer, nurse, attendant, servant, or other person employed in any asylum for criminal lunatics who strikes, wounds, ill-treats, or wilfully neglects any person confined therein, shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, and on conviction under the indictment to fine or imprisonment, with or without hard labour, or to both fine and imprisonment, at the discretion of the court, or to forfeit for every such offence, on a summary conviction thereof before two justices, any sum not exceeding twenty pounds nor less than two pounds.

XIV. Two or more of the commissioners in lunacy, one at least of whom shall be a physician or surgeon, and one at least a barrister, shall, once or oftener in each year, on such day or days and at such hours of the day and for such length of time

(a) See 3 & 4 Vict. c. 54, ss. 2, 3, 7.

(b) See 30 Vict. c. 12, s. 4.

as they think fit, and also at any time when directed by the secretary of state, visit every asylum for criminal lunatics, and shall inquire as to the condition, as well mental as bodily, of the persons confined therein, or any of them, and shall also make such other inquiries as to such asylum as to them may seem proper, or as such secretary of state may direct.

\* \* \* \* \*

### SCHEDULE A.

STATEMENT respecting CRIMINAL LUNATICS to be filled up and transmitted to the MEDICAL SUPERINTENDENT with every CRIMINAL LUNATIC.

Name	-	-	-	-	-
Age	-	-	-	-	-
Date of admission	-	-	-	-	-
Former occupation	-	-	-	-	-
From whence brought	-	-	-	-	-
Married, single, or widowed	-	-	-	-	-
How many children	-	-	-	-	-
Age of youngest	-	-	-	-	-
Whether first attack	-	-	-	-	-
When previous attacks occurred	-	-	-	-	-
Duration of existing attack	-	-	-	-	-
State of bodily health	-	-	-	-	-
Whether suicidal or dangerous to others	-	-	-	-	-
Supposed cause	-	-	-	-	-
Chief delusions or indications of insanity	-	-	-	-	-
Whether subject to epilepsy	-	-	-	-	-
Whether of temperate habits	-	-	-	-	-
Degree of education	-	-	-	-	-
Religious persuasion	-	-	-	-	-
Crime	-	-	-	-	-
When and where tried	-	-	-	-	-
Verdict of jury	-	-	-	-	-
Sentence	-	-	-	-	-

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## 23 &amp; 24 VICT. CHAP. 112.

AN ACT to make better provision for acquiring Lands for the  
Defence of the Realm. [28th August, 1860.]

\* \* \* \* \*

*Continuance of Liability to Tithe Rentcharge, Taxes, and Rates.*

Lands to con-  
tinue subject  
to tithe rent-  
charges, taxes,  
and rates.

XXXIII. The lands vested in the said secretary of state (a) in pursuance of this Act, which were before the time of such vesting liable to and charged with tithes, or tithe rentcharge, land tax, poor or other rates, shall continue chargeable therewith, but shall not be assessed to any tax or rate at a higher value or rent than that at which such lands were assessed at the time of such vesting (b).

\* \* \* \* \*

## 23 &amp; 24 VICT. CHAP. 127.

AN ACT to Amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

[28th August, 1860.]

\* \* \* \* \*

Saving provi-  
sions, enabling  
other than  
attorneys to  
act.

XXXIII. Nothing in this Act shall extend to repeal, prejudice, or affect any provision in any Act of parliament in anywise enabling any person other than an attorney or solicitor to conduct, defend, or otherwise act in relation to any suit, matter, or proceeding (c).

\* \* \* \* \*

## 23 &amp; 24 VICT. CHAP. 139.

AN ACT to Amend the Law concerning the Making, Keeping, and Carriage of Gunpowder and Compositions of an Explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks. [28th August, 1860.]

\* \* \* \* \*

Notice of in-  
tention to  
apply for  
licence.

XII. Provided always, that every person making any application for any such licence as aforesaid (d), shall give notice in writing of the intention to make the same, as also of the place

(a) *i. e.*, for the War Department.

(b) See 25 & 26 Vict. c. 103, s. 36.

(c) See 5 & 6 Vict. c. 57, s. 17;

6 & 7 Vict. c. 73, s. 2; and 7 & 8

Vict. c. 101, s. 68.

(d) *i. e.*, to the justices at quarter sessions to licence places under the Act.

or places proposed for the purposes aforesaid respectively, fourteen days before making it as hereinafter mentioned; (that is to say,) such notice shall be given where application is made in England, to an overseer or churchwarden of the parish or place in which it is proposed to erect or make any such new mill, with such houses and places as aforesaid, or any such magazine, or to make or use any building or place for any of the purposes aforesaid, or of an adjoining parish, if the place be extra-parochial, and have no overseer; \* \* \* and such applicant shall also in every such case cause the like notice to be affixed on the outside of the door or of the wall near the door of every church and chapel in such parish or place, (including places of public worship not belonging to the Established Church) previously to the commencement of divine service on a Sunday ten days at least before the making of such application.

\* \* \* \* \*

### 24 & 25 VICT. CHAP. 21.

AN ACT for Granting to Her Majesty certain Duties of Excise  
and Stamps. [28th June, 1861.]

\* \* \* \* \*

3. It shall be lawful for any person to take out a licence for the sale in any house or shop of table beer, at a price not exceeding the rate of one penny halfpenny the quart, and not to be drunk or consumed on the premises where sold; and it shall not be necessary to the obtaining of such licence that the said house or shop shall be rated to the relief of the poor to any amount [*or that the person applying for such licence shall produce any certificate (e)*], or enter into any bond required by any Act relating to the sale of beer by retail.

Licences may be granted for the sale of table beer by retail not to be drunk on the premises without persons being rated, &c.

\* \* \* \* \*

### 24 & 25 VICT. CHAP. 55.

AN ACT to amend the Laws regarding the Removal of the Poor  
and the Contribution of Parishes to the Common Fund in  
Unions. [1st August, 1861.]

WHEREAS it is desirable that the laws for the removal of the poor should be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and

(e) See 3 & 4 Vict. c. 61, s. 2; 32 & 33 Vict. c. 27, Sch. (2); and 33 & 34 Vict. c. 29, s. 4(1).

consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

So much of  
9 & 10 Vict.  
c. 66, as pre-  
scribes a resi-  
dence of five  
years to be al-  
tered to three  
years, &c.

Provision for  
orphan chil-  
dren under 16  
years of age.

Provision for  
deserted wives.

1. That after the twenty-fifth day of March next the period of three years shall be substituted for that of five years specified in the first section of the statute ninth and tenth Victoria, chapter sixty-six, and the residence of a person in any part of a union shall have the same effect in reference to the provisions of the said section as a residence in any parish (a).

2. Where a child under the age of sixteen years (b) residing with its surviving parent, shall be left an orphan, and such parent shall at the time of death have acquired an exemption from removal by reason of a continued residence, such orphan shall, if not otherwise irremovable, be exempt from removal in like manner and to the same extent as if it had then acquired for itself an exemption from removal by residence.

3. Where a married woman shall have been or shall be deserted by her husband, and shall after his desertion reside for three years in such a manner as would, if she were a widow, render her exempt from removal, she shall not be liable

(a) See 27 & 28 Vict. c. 105, s. 1.

(b) See 4 & 5 Will. 4, c. 76, ss. 56, 57, and 71.

#### IRREMOVABILITY.

*Decisions on  
sect. 1.*

The statute has the same operation as the 1st section of the 9 & 10 Vict. c. 66, and is retrospective. An order of removal of a pauper to his place of settlement was made on the 12th of March, 1862, but he was not removed till after the 25th of March, and he had resided more than three years in the parish which had obtained the order: Held, that the parish obtaining the order was not entitled to an order against the parish of settlement under 4 & 5 Will. 4, c. 76, s. 84, for the costs of maintaining the pauper from the time of the notice of chargeability: *Salford v. Manchester*, 32 L. J. M. C. 107; 9 Jur. (N. S.) 821; 27 J. P. (N.) 118; 7 L. T. (N. S.) 823; S. C. *Salford*, app., *Manchester*, resp., 3 B. & S. 599.

On the 14th of March, 1862, two justices made an order for the removal of a pauper from B. to P.; at the time of the order the pauper had resided continuously for 18 months next before the application in B. For more than three years to the commencement of the 18 months, he had resided in the township of L., which, with B., comprised the B. union: Held, that the pauper had become irremovable, and that the order was bad: *Reg. v. Preston*, 27 J. P. (N.) 292, 581; S. C. *Preston v. Blackburn*, 32 L. J. M. C. 180; 9 Jur. (N. S.) 1039; 3 B. & S. 793; *Reg. v. Blackburn*, 8 L. T. (N. S.) 274.

A pauper for whose removal from a parish an order had been obtained in 1855, but who was not actually removed under it, does not break her residence in the removing parish; and not having in fact been removed under the order, she became irremovable by virtue of a three years' residence in the union previous to 1855, and by operation of 24 & 25 Vict. c. 55, s. 1: *Reg. v. Hendon*, 32 L. J. M. C. 202; 8 L. T. (N. S.) 276; 27 J. P. (N.) 293, 677.

to be removed from the parish wherein she shall be resident unless her husband return to cohabit with her (c).

4. Where any destitute wayfarer, wanderer, or foundling shall be or become chargeable upon the common fund of any union, the cost of the relief of such wayfarer, wanderer, or foundling shall continue to be charged to such common fund until the relief shall be discontinued (d). Chargeability of wayfarers.

5. When any person shall be or become chargeable upon the common fund of a union by reason of some accident or sickness which will not produce permanent disability, the chargeability upon such fund shall cease when the person shall be cured, and thenceforth, if the relief continue, the cost thereof shall be charged to the parish where the poor person shall be then residing, unless he shall be in the workhouse of the union, and in such case it shall be charged to the parish wherein he was residing when he was removed to such workhouse, and the overseers of the parish so charged may apply for and obtain an order of removal (e). Chargeability of sick persons.

6. The cost of the examination of any lunatic pauper, present or future, of his removal to and from, and his maintenance in any asylum, licensed house, or registered hospital, who would under any provision of the sixteenth and seventeenth Victoria, chapter ninety-seven (f), be chargeable to a parish in a union, Lunatics to be chargeable upon the common fund.

(c) See 29 & 30 Vict. c. 113, s. 17. and 28 & 29 Vict. c. 79, as to union

(d) See 11 & 12 Vict. c. 110, s. 1. chargeability.

(e) See 9 & 10 Vict. c. 66, s. 4; (f) See 3 & 4 Vict.\* c. 54, s. 2.

#### RESIDENCE IN UNION FORMED UNDER LOCAL ACT.

By a local Act certain parishes were united for the purpose of managing a common house of industry, each parish to manage and maintain its own poor therein. This was held to be a union within the meaning of the 4 & 5 Will. 4, c. 76, and other Acts, and paupers who had resided more than a year within the district were held not removable: *Machynlleth v. Pool*, 34 J. P. 197; 38 L. J. M. C. 148; L. R. 4 Q. B. 592; 20 L. T. (N. S.) 951; 10 B. & S. 653. Decisions on sect. 1.

#### DESERTION.

A man left his wife and lived for many years with another woman in the same parish, but allowed his wife 2s. 6d. a week, in consequence of proceedings being threatened against him by the officers of the parish to which she had become chargeable. This amounted to desertion within 24 & 25 Vict. c. 55, s. 3, and the wife was therefore irremovable; but her daughter was removable, as the mother, by desertion, did not become the head of the family. *Per Cockburn, C. J.*, it was lamentable that the child in this case should be separated from the mother, but the statute having said that a child under 16 shall not be removed, and this child being above 16, she is liable to be removed: *Reg. v. St. Mary, Islington*, L. R. 5 Q. B. 445; 39 L. J. M. C. 137; 22 L. T. (N. S.) 654; 34 J. P. 389, 646. Decision on sect. 3.

shall from and after the twenty-fifth day of March next be borne by the common fund of the union comprising such parish (*a*).

Orders in lunacy may be obtained by or appealed against by boards of guardians.

Proviso for pending appeals.

Chargeability of union paupers on common fund made perpetual.

Parishes comprised in any union formed under

4 & 5 Vict. c. 76, to contribute to common fund, according to the annual value of rateable property.

7. The guardians of any union may obtain orders upon the guardians of any other union, or upon the guardians or overseers of any parish not comprised in a union, or upon the treasurer of the county, and may appeal against or defend any orders in respect of any lunatic paupers hereby made chargeable upon the common fund of the union, in like manner and subject to the same incidents and provisions as are contained in the said last cited Act, in respect of lunatic paupers chargeable to any parish in such union (*b*): Provided that every appeal now pending may be continued and determined as though this Act had not been passed.

8. The temporary provisions of the several statutes (*c*) whereby the costs of the relief, burial, and maintenance of certain paupers have been made chargeable upon the common fund of unions until the end of this session of parliament are hereby made perpetual (*d*).

9. And whereas it is also expedient to alter the mode in which the contributions of parishes to the common fund of the union in which they are comprised are now calculated (*e*): Be it therefore enacted, that after the twenty-fifth day of March next the several parishes comprised in any union already formed or hereafter to be formed under the provisions of the fourth and fifth of William the Fourth, chapter seventy-six, shall contribute to the common fund thereof, in proportion to the annual rateable value (*f*) of the lands, tenements, and hereditaments in such parishes respectively assessable by the laws in force for the time being to the relief of the poor, and in no other manner, whether the lands, tenements, and hereditaments shall be actually rated or not, and whether the rate levied shall be

(*a*) See 11 & 12 Vict. c. 110, s. 8; c. 101, s. 1; 14 & 15 Vict. c. 105, s. 1; 13 & 14 Vict. c. 101, s. 5; 16 & 17 Vict. c. 97, ss. 95, 96, 97, 98, 99, 101, and 102; 25 & 26 Vict. c. 111, s. 7; and also 27 & 28 Vict. c. 29, s. 5. c. 101, s. 1; 14 & 15 Vict. c. 105, s. 1; 15 & 16 Vict. c. 14; 16 & 17 Vict. c. 77; 17 & 18 Vict. c. 83; 18 & 19 Vict. c. 47; 20 Vict. c. 18, s. 1; and 22 Vict. c. 29, s. 1.

(*b*) See 16 & 17 Vict. c. 97, ss. 97, 98, 99, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117. (*d*) See 11 & 12 Vict. c. 110, ss. 1, 3.

(*c*) See 10 & 11 Vict. c. 110, s. 1; 11 & 12 Vict. c. 110, ss. 1, 3; 12 & 13 Vict. c. 103, s. 1; 13 & 14 Vict. c. 103, s. 1; 13 & 14 Vict. c. 103, s. 1; 13 & 14 Vict. c. 103, s. 1; 13 & 14 Vict. c. 103, s. 1. (*e*) See 4 & 5 Will. 4, c. 76, s. 28. (*f*) See 25 & 26 Vict. c. 103; and 32 & 33 Vict. c. 67, s. 4.

#### ORDER OF MAINTENANCE.

Decision on sect. 6.

On the 24th of March, 1862, an order of justices was made, pursuant to s. 96 of 16 & 17 Vict. c. 97, upon the parish of settlement; and it was held, that as the 24 & 25 Vict. c. 55, s. 6, did not come into operation until the following day, the order was good: *Droitwich*, app., *Worcester*, resp., 8 L. T. (N. s.) 276; 9 Jur. (N. s.) 1151; 27 J. P. (n.) 294, 630; 32 L. J. M. C. 196.

collected in full or upon any composition (*g*) : Provided always that nothing herein contained shall alter or affect the liability of any parish comprised in any such union in regard to any charge lawfully created in the said union, and secured upon the poor rates of all or any of the parishes comprised therein, which shall have been created at any time previous to the said twenty-fifth day of March (*h*) ; but the same shall continue to be charged and payable in like manner as it would by law have been charged and payable if this Act had not been passed : Provided also, that nothing herein contained shall apply to any contribution which shall be in arrear from any parish in such union on the said twenty-fifth day of March, but the same shall be recoverable and shall be applicable in the same manner as if this Act had not been passed.

Proviso as to liabilities.

Proviso for contributions in arrear.

10. The guardians of every such union, in computing the amount of contribution to the common fund from the several parishes, shall take the annual rateable value of such property in every parish therein from the valuation upon which such parish was assessed to the county rate, or, where there is no county rate, to the borough or ward rate, or other rate in the nature of a county rate, in the last assessment made not less than one month next preceding the day when the order for such contribution is made (*i*).

Mode of ascertaining the annual rateable value.

11. No order of guardians for contribution purporting to be made in accordance with this Act shall be deemed to be void by reason of any error in the estimate of the rateable value of the property in any parish in the union upon which the contribution shall have been calculated (*k*) ; but every parish affected by such error shall be entitled to have the same set right in the making out and closing of the accounts of the union or at the audit thereof.

No order for contribution to be deemed void by reason of error in the calculation.

12. The words used in this Act shall be construed in the like manner as in the said Act of King William the Fourth ; and the provisions contained therein and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act (*l*).

Interpretation of terms, and consolidation of the Acts.

(*g*) See 32 & 33 Vict. c. 41, ss. 3, 4. s. 5 ; 12 & 13 Vict. c. 103, s. 20 ; 13 & 14 Vict. c. 101, s. 4.

(*h*) See 4 & 5 Will. 4, c. 76, ss. 24, 62 ; 6 & 7 Will. 4, c. 107 ; 1 & 2 Vict. c. 25, s. 1 ; 7 & 8 Vict. c. 101, ss. 29, 44 ; 11 & 12 Vict. c. 110, (*i*) See 25 & 26 Vict. c. 103, s. 30.

(*k*) See 22 & 23 Vict. c. 49, s. 7.

(*l*) See 4 & 5 Will. 4, c. 76, s. 7.

## 24 &amp; 25 VICT. CHAP. 76.

AN ACT to amend the Law relating to the Removal of Poor Persons to Ireland (a). [6th August, 1861.]

WHEREAS it is expedient that better means should be provided for the safe conveyance to the place of their destination in Ireland of poor persons who may be removed in pursuance of the Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and seventeen: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same,—

Warrant of removal to be signed in petty sessions, or by a police magistrate.

1. No application for a warrant (b) ordering the removal from any place in England to Ireland of any poor person who shall have become chargeable in such place shall be heard and determined except by two or more justices in petty sessions assembled, or by a stipendiary magistrate, or metropolitan police magistrate sitting in his court, which justices or magistrate (as the case may be) shall see such poor person or the person who is the head of the family proposed to be removed, and shall be satisfied that every person who is proposed to be removed by the warrant is in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

Warrant to contain name and age of every person to be removed, and other particulars.

2. Such warrant of removal shall be granted only on the application of the relieving officer or other officer of the guardians of the union or parish where such poor person shall become chargeable, and shall contain the name and reputed age of every person ordered to be removed by virtue of the same, and the name of the place in Ireland where the justices or magistrate shall find such person to have been born or to have last resided for the space of three years, and a statement of such examination having been made as to the state of health of every person ordered to be removed as aforesaid; and such warrant shall be addressed to the party applying for the same, and to the guardians of the union or parish to which such poor person is to be removed, and a copy shall be given by and at the cost of the person applying for such warrant to the person or the head of the family about to be removed by virtue of it:

Proviso.

Provided that in the case of any native of Ireland who shall have been absent from Ireland less than twelve months the pauper may, if the guardians applying for the warrant and the justice or magistrate issuing it think fit, be removed to any place, other than that above described, with his consent; and

(a) See 26 & 27 Vict. c. 89, and as regards the removal to Scotland of Scotch paupers, see 25 & 26 Vict. c. 113.

(b) See 8 & 9 Vict. c. 117, s. 2; and 10 & 11 Vict. c. 33, s. 1.

provided also, that in any case where the justices or magistrate shall not be able to ascertain upon the evidence before them the place of birth, or of such continued residence as aforesaid, they shall order the pauper to be removed to the port in Ireland which shall in the judgment of such justices under the circumstances of the case be most convenient.

3. The guardians obtaining the warrant shall send a copy of the warrant to the clerk of the board of guardians of the union in Ireland to which such poor person shall be ordered to be removed, and also a copy of the depositions taken in the case, if the same shall at any time within three months from the date of the warrant, be required by any such board of guardians. Copy of the warrant to be sent to guardians of place to which the removal is to be made.

4. Such warrant shall order the removal of the poor person to be made to the place mentioned therein as aforesaid, and shall order the persons charged with the execution thereof (c) to cause such poor person, with his family (if any), to be safely conveyed to such place in Ireland, [*to be delivered at the work-house of the union containing the port of or nearest to the place of the pauper's ultimate destination (d).*] Warrant shall order poor persons to be conveyed to the place mentioned in the warrant.

5. If such union be not such place of ultimate destination, the guardians thereof may, if they think fit, cause the pauper to be removed forthwith to the place mentioned in the warrant, and shall be entitled to be reimbursed the costs incurred in such removal by the guardians in England on whose application the warrant was obtained, such costs being the actual expense incurred in and about the conveyance and maintenance of each person so removed, according to the certificate of the poor law commissioners of Ireland, which costs may, if not paid on demand, be recovered by an action in any county court having jurisdiction in the union or parish in England from which the removal shall have taken place, at the suit of the guardians of such union in Ireland. The guardian of the poor of the union at the port may forward the pauper to the place of destination, and recover the costs from the board of guardians in England.

6. It shall be unlawful to remove any woman or any child under the age of fourteen as a deck passenger in any vessel from England to Scotland or Ireland, during the period from the first of October to the thirty-first of March following, and no regulation of justices authorizing such a removal shall be henceforth legal (e). Women and children not to be removed as deck passengers during the winter.

7. Section the sixth of the Act of the eighth and ninth Victoria, chapter one hundred and seventeen, is hereby repealed. Sect. 6 of 8 & 9 Vict. c. 117 repealed.

8. Except so far as this Act shall alter the provisions of the said Act, this Act shall be construed as a part of the same. Acts to be construed together.

(c) See 26 & 27 Vict. c. 89, s. 4. (d) See 26 & 27 Vict. c. 89, s. 1.

(e) See 26 & 27 Vict. c. 89, s. 5.

24 & 25 VICT. CHAP. 95.

AN ACT to repeal certain enactments which have been consolidated in several Acts of the present Session relating to Indictable Offences and other Matters.  
[6th August, 1861.]

“ WHEREAS by six several Acts of the present session of parliament, relating respectively to offences against the person, malicious injuries to property, larceny, forgery, coining, and accessories and abettors, divers Acts and parts of Acts have been consolidated and amended, and it is expedient to repeal the enactments so consolidated and amended, and certain other enactments :” Be it therefore enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Repeal of Acts and parts of Acts mentioned in schedule.

1. The several Acts and parts of Acts in the schedule hereto annexed shall continue in force until and throughout the last day of October in the present year, and shall from and after that day be repealed to the extent following ; (that is to say,) in any case where the enactment does not form part of the law of Scotland then the enactment shall be wholly repealed, but in any case where the enactment does form part of the law of Scotland, then the enactment shall be wholly repealed as to every other place, but shall not be repealed as to Scotland, unless otherwise expressly mentioned.

\* \* \* \* \*

Repeal not to affect any authority to amend registers of births, &c.

4. Provided also, that nothing herein contained shall in any manner alter or affect any power or authority given by any Act to alter or amend any register of births, baptisms, marriages, deaths, or burials.

\* \* \* \* \*

References to Act.	Title of Act.	Extent of Repeal.
14 & 15 Vict. c. 11.	An Act for the better Protection of persons under the Care and Control of others, as Apprentices or Servants ; and to enable the Guardians and Overseers of the Poor to institute and conduct Prosecutions in certain Cases.	Sections one, two, six, and seven (a).

(a) See 24 & 25 Vict. c. 100, ss. 26, 27, and 73.

## 24 &amp; 25 VICT. CHAP. 96.

AN ACT to consolidate and amend the Statute Law of England and Ireland, relating to Larceny and other similar Offences.  
[6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

## 1. In the interpretation of this Act:

Interpretation  
of terms.

\* \* \* \* \*

The term “property” shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include, not only such property as shall have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

\* \* \* \* \*

“Property.”

68. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, shall fraudulently embezzle any chattel, money, or valuable security, which shall be delivered to or received or taken into possession by him for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person so employed, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

\* \* \* \* \*

Embezzlement  
by clerks or  
servants.

## INDICTMENT OF ASSISTANT OVERSEER.

In an indictment of an assistant overseer for embezzling money collected from poor rates, it is sufficient to describe the money as the property of the overseers, without naming the churchwardens: *Reg. v. Adey*, 19 L. J. M. C. 149; 14 Jur. 556; 4 N. S. C. 360.

*Decision on  
sect. 68.*

Directors, &c.  
of any body  
corporate or  
public com-  
pany fraudu-  
lently appro-  
priating prop-  
erty;

81. Whosoever, being a director, member, or public officer of any body corporate or public company, shall fraudulently take or apply for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or keeping  
fraudulent  
accounts;

82. Whosoever, being a director, public officer, or manager of any body corporate or public company, shall as such receive or possess himself of any of the property of such body corporate or public company otherwise than in payment of a just debt or demand, and shall, with intent to defraud, omit to make or to cause or direct to be made a full and true entry thereof in the books and accounts of such body corporate or public company, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award as hereinbefore last mentioned.

or wilfully  
destroying  
books, &c.;

83. Whosoever, being a director, manager, public officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any book, paper, writing, or valuable security belonging to the body corporate or public company, or make or concur in the making of any false entry, or omit or concur in omitting any material particular, in any book of account or other document, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

or publishing  
fraudulent  
statements.

84. Whosoever, being a director, manager, or public officer of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing, any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder; or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to any of the punishments which the court may award, as hereinbefore last mentioned.

No person to  
be exempt  
from answer-  
ing questions  
in any court,  
but no person  
making a dis-

85. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory, in any civil proceeding in any court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to

be convicted of any of the misdemeanors in any of the said sections mentioned by any evidence whatever in respect of any act done by him, if he shall at any time previously to his being charged with such offence have first disclosed such act on oath, in consequence of any compulsory process of any court of law or equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have first disclosed the same in any compulsory examination or deposition before any court upon the hearing of any matter in bankruptcy or insolvency.

closure in any compulsory proceeding to be liable to prosecution.

86. Nothing in any of the last eleven preceding sections of this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereon against any person under any of the said sections, shall prevent, lessen, or impeach any remedy at law or in equity which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the said sections contained shall affect or prejudice any agreement entered into or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

No remedy at law or in equity shall be affected.

Convictions shall not be received in evidence in civil suits.

87. No misdemeanor against any of the last twelve preceding sections of this Act shall be prosecuted or tried at any court of general or quarter sessions of the peace.

Certain misdemeanors not triable at sessions.

\* \* \* \* \*

## 24 & 25 VICT. CHAP. 97.

AN ACT to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.

[6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property:” Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

### *Injuries by Fire to Buildings, and Goods therein.*

\* \* \* \* \*

5. Whosoever shall unlawfully and maliciously set fire to any building other than such as are in this Act before mentioned, belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any

Setting fire to any public building.

university, or college, or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

\* \* \* \* \*

*Injuries to Buildings by Rioters, &c.*

Rioters demolishing church, building, &c.

9. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force demolish or pull down or destroy, or begin to demolish, pull down, or destroy any church, chapel, meeting-house, or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, or any building, other than such as are in this section before mentioned belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or belonging to any university, or college or hall of any university, or to any inn of court, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam-engine or other engine for sinking, working, ventilating, or draining any mine, or any staith, building, or erection used in conducting the business of any mine, or any bridge, waggonway, or trunk for conveying minerals from any mine, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

\* \* \* \* \*

Rioters injuring building, machinery, &c.

12. If any persons riotously and tumultuously assembled together to the disturbance of the public peace shall unlawfully and with force injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggonway, or trunk, as is in the last preceding section mentioned, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for

any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour: Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

\* \* \* \* \*

### *Injuries to Works of Art.*

39. Whosoever shall unlawfully and maliciously destroy or damage any book, manuscript, picture, print, statue, bust, or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity in any museum, gallery, cabinet, library, or other repository, which at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other ornament or work of art, in any church, chapel, meeting-house, or other place of divine worship, or in any building belonging to the Queen, or to any county, riding, division, city, borough, poor law union, parish, or place, or to any university, or college or hall of any university, or to any inn of court, or in any street, square, churchyard, burial-ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing, or fence surrounding such statue or monument, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping; provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed.

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### 24 & 25 VICT. CHAP. 100.

AN ACT to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.

[6th August, 1861.]

“WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to offences against the person:” Be it enacted by the Queen’s most excellent

Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

\* \* \* \* \*

Not providing apprentices or servants with food, &c. whereby life endangered.

26. Whosoever, being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same, or shall unlawfully and maliciously do or cause to be done any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant shall be endangered, or the health of such apprentice or servant shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour (a).

(a) See 20 Geo. 2, c. 19, s. 3; 5 Vict. c. 7; 14 & 15 Vict. c. 11, 32 Geo. 3, c. 57, s. 11; 33 Geo. 3, s. 1; and 16 & 17 Vict. c. 30. c. 55, s. 1; 4 Geo. 4, c. 29, s. 1;

#### CRIMINAL LIABILITY FOR NEGLECTING CHILDREN.

*Decisions on*  
*sect. 26.*

A married woman cannot be convicted of murder of her illegitimate child three years old by omitting to supply it with proper food, unless it is shown that her husband supplied her with food to give to the child, and that she wilfully neglected to give it: *Rex v. Saunders*, 7 C. & P. 277.

If one has an idiot brother who is bedridden in his house, and he keeps him in a dark room, without sufficient warmth or clothing, this is not an assault or imprisonment, as it is an omission without a duty, which will not create an indictable offence: *Rex v. Smith*, 2 C. & P. 449.

Where any person undertaking the duty of supplying an infant with proper food and clothing, and furnished with the means of discharging that duty properly, wilfully neglects to do so, with an intention to cause the death of the child, or to do it some grievous injury, and the child dies in consequence of such neglect, such person is guilty of murder; but where the neglect is culpable only and not malicious, it is manslaughter: *Reg. v. Bubb*, 4 Cox C. C. 455.

Where a parent supplies sufficient food and clothing to another for the purpose of administering to his child, and that other wilfully withholds food and clothing from the child, and the parent is conscious that it is so withheld and does not interfere, and the child dies for want of proper food and clothing, the parent is guilty of manslaughter: *Reg. v. Hook*, 4 Cox C. C. 455.

An indictment of the mother for deserting her illegitimate male child, to the damage of the inhabitants, &c., will not be supported if it do not aver that the health of the child was injured, or that the defendant had the means of supporting it: *Reg. v. Hogan*, 5 Cox C. C. 255.

If parents have not the means of providing proper food and nourishment for their infant children who are incapable of taking care of themselves, it is their duty to apply for the maintenance provided by means of the poor laws; where, therefore, a married woman, who, having a child under such circumstances, wilfully neglected for several days going to the union for the purpose of getting support for it, she, knowing that such neglect was likely to cause the child's death, was guilty of manslaughter.—*Semble*, that she is so responsible, although her husband having the means of

27. Whosoever shall unlawfully abandon or expose any child, being under the age of two years, whereby the life of such child shall be endangered, or the health of such child shall have been or shall be likely to be permanently injured, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for the term of three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

\* \* \* \* \*

### Assaults.

36. Whosoever shall, by threats or force obstruct or prevent, or endeavour to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting-house, or other place of divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place, or shall strike or offer any violence to, or shall, upon any civil process, or under the pretence of executing any civil process, arrest any clergyman or other minister who is engaged in, or to the knowledge of the offender is about to engage in, any of the rites or duties in this section aforesaid, or who to

Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

### CRIMINAL LIABILITY FOR NEGLECTING CHILDREN—continued.

supporting his family, neglects to do so, and the want of food is the result of that neglect; but in order to constitute the criminal offence, there must be distinct proof of a continued abstaining from applying for relief for four or five days together: *Reg. v. Mabbett*, 5 Cox C. C. 339.

*Decisions on* §  
*sect. 26.*

Where an emancipated unmarried daughter lived with her mother and stepfather, and was taken with the pains of childbirth, and the mother declined to send for a midwife or medical assistance, in consequence of which the daughter died, and the mother was then indicted for manslaughter, but the indictment not alleging, nor the facts proving, that she had the pecuniary means of employing medical aid, it was held that the conviction was bad, for there was no legal duty on a mother in such circumstances to employ medical aid for her daughter: *Reg. v. Shepherd*, 26 J. P. 101.

In an indictment against a parent for neglecting to provide sufficient food and clothing for a child of tender years, for whom he is bound by law to provide, it is not necessary to aver in the indictment that the parent was, at the time of the alleged offence, of sufficient ability to perform the duty so imposed upon him: *Reg. v. Ryland*, 17 L. T. (N. S.) 219; 1 L. R. C. C. 99; 37 L. J. M. C. 10.

### ABANDONING CHILD.

Where a mother sent by railway her illegitimate child, five weeks after birth, in a hamper, carefully wrapped up, and labelled, "With care; to be delivered immediately," and the hamper was delivered in about an hour, with the child alive, but which died soon after from other causes, the proceeding came within the words "abandoning or exposing a child under the age of two years," in 24 & 25 Vict. c. 100, s. 27: *Reg. v. Falkingham*, 34 J. P. 149.

*Decision on*  
*sect. 27.*

the knowledge of the offender shall be going to perform the same or returning from the performance thereof, shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour.

\* \* \* \* \*

*Child-stealing.*

Child-stealing. 56. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years, and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and if a male under the age of sixteen years, with or without whipping: Provided that no person who shall have claimed any right to the possession of such child, or shall be the mother, or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

\* \* \* \* \*

Guardians and overseers may be required to prosecute in certain cases of offences against this Act.

73. Where any complaint shall be made of any offence against section twenty-six of this Act, or of any bodily injury inflicted upon any person under the age of sixteen years, for which the party committing it is liable to be indicted, and the circumstances of which offence amount, in point of law, to a felony, or an attempt to commit a felony, or an assault with intent to commit a felony, and two justices of the peace before whom such complaint is heard shall certify under their hands that it is necessary for the purposes of public justice that the prosecution should be conducted by the guardians of the union or place, or, where there are no guardians, by the overseers of the poor of the place, in which the offence shall be charged to have been committed, such guardians or overseers, as the case may be, upon personal service of such certificate or a duplicate thereof upon the clerk of such guardians, or upon any one of such overseers, shall conduct the prosecution, and shall pay the costs reasonably and properly incurred by them therein (so far as the same shall not be allowed to them under any order of any court) out of the common fund of the union, or out

Costs of prosecution.

of the funds in the hands of the guardians or overseers, as the case may be; and, where there is a board of guardians, the clerk or some other officer of the union or place, and, where there is no board of guardians, one of the overseers of the poor, may, if such justices think it necessary for the purposes of public justice, be bound over to prosecute (a).

74. Where any person shall be convicted on any indictment of any assault, whether with or without battery, and wounding, or either of them, such person may, if the court think fit, in addition to any sentence which the court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for the loss of time as the court shall by affidavit or other inquiry and examination ascertain to be reasonable: and unless the sum so awarded shall be sooner paid, the offender shall be imprisoned for any term the court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

75. The court may, by warrant under hand and seal, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale, shall be paid to the owner; and in case such sum shall be so levied the imprisonment awarded until payment of such sum shall thereupon cease.

\* \* \* \* \*

77. The court before which any misdemeanor indictable under the provisions of this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

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## 24 & 25 VICT. CHAP. 124.

An Act for amending the Law relating to the Receiver for the Metropolitan Police District; and for other Purposes.

[6th August, 1861.]

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7. There shall be repealed so much of the twenty-fifth section of the said Act of the tenth year of King George the Fourth, chapter forty-four, as provides "that the overseers shall pay to the receiver the amount mentioned in the warrant

Repeal of part of sect. 25 of 10 Geo. IV. c. 44, and

(a) See 14 & 15 Vict. c. 41, s. 6.

enactment of  
new provi-  
sions in lieu  
thereof.

within the time specified for that purpose, and at the time of making any payment to the receiver shall deliver to him a note in writing signed by them specifying the amount so paid, which note shall be kept by the receiver as a voucher for his receipt of that particular amount, and the receipt of the receiver specifying the amount paid to him by the overseers shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes, townships, precincts, or places ;” and in lieu thereof be it enacted, that the overseers shall pay into the Bank of England, to the account of the receiver of the metropolitan police the amount mentioned in the warrant within the time specified for that purpose, and that the certificate of the bank, signed by one of their cashiers, specifying the amount paid into the bank, shall be a sufficient discharge to the overseers for such amount, and shall be allowed as such in passing their accounts with their respective parishes, townships, precincts, or places.

Payment of  
monies into  
the bank.

8. In addition to the sums hereby directed to be paid by the overseers all other sums from time to time accruing payable to the receiver shall be paid into the Bank of England to the account of the receiver of the metropolitan police, and the certificate of the bank, signed by one of their cashiers, specifying the amount paid into the bank, shall be a sufficient discharge to the persons paying the same.

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24 & 25 VICT. CHAP. 125.

AN ACT to enable Overseers in populous Parishes to provide  
Offices for the proper Discharge of Parochial Business.  
[6th August, 1861.]

BE it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Power to  
overseers and  
vestries, with  
consent of  
poor law  
board, to pur-  
chase offices  
for use of  
parish.

1. The overseers of any parish in England the population whereof shall exceed four thousand persons according to the census for the time being, with the consent of the vestry, called after due notice, and with the consent of the poor law board, signified by an order under their seal, may hire any room, or purchase or take upon lease or exchange any land or building, or sell land belonging to such parish, and invest the proceeds of such sale in the purchase of other land and building, or erect a suitable building on any land acquired as aforesaid, for the

purpose of an office for the transaction of the business of the parish (a).

And the Lands Clauses Consolidation Act, 1845, (except the parts and enactments of that Act with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the recovery of forfeitures, penalties, and costs,) shall, in so far as the same is consistent with this Act, be incorporated with this Act.

And for the purposes of this Act the expressions "the promoters of the undertaking," or "the secretary," whenever used in that Act, shall respectively mean the overseers as aforesaid; and the expression "tolls or rates," whenever used in the said first-mentioned Act, shall mean moneys to be raised for the relief of the poor; and all lands and premises which shall be so purchased or taken on lease or exchange by the overseers of any parish shall be conveyed, demised, and assured to such overseers and their successors, in trust for the purposes aforesaid; and the yearly rent reserved by any lease shall be chargeable upon and paid out of the moneys to be raised for the relief of the poor of any such parish, and shall be paid by the overseers as aforesaid of such parish as such rent becomes payable; and if at any time any such rent be not paid within thirty days after it so becomes payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the overseers as aforesaid, with costs of suit, by action of debt in any court of appropriate jurisdiction, or may levy the same by distress of the goods and chattels of any of the overseers as aforesaid; and such overseers may provide the requisite furniture and fittings of such room or such building, and appoint and pay out of the poor rate such persons to take care thereof, or of any vestry room provided under the authority of the fifty-seventh chapter of the statute of the thirteenth and fourteenth years of the reign of Her Majesty, and to aid in the ordinary business of the parish, as the vestry shall authorize and the poor law board shall approve; and every such building and vestry room shall be warmed and lighted and with its furniture shall be kept in good condition and repair at the cost of the poor rate.

2. The overseers of any parish may, with the consent of the vestry, provide proper depositories of all the documents, books, and papers belonging to such parish for which no provision is otherwise made by law (b), and charge the cost thereof upon the poor rate.

The overseers may provide depositories for parish documents.

(a) See 13 & 14 Vict. c. 57.

(b) See 58 Geo. 3, c. 69, s. 6.

#### PAROCHIAL OFFICES FOR OVERSEERS.

Overseers could not, before 24 & 25 Vict. c. 125, hire premises to be used as their offices and for keeping rate-books, &c. *Ex parte Spotland*, 2 L. T. sect. 1. (N. S.) 214; 24 J. P. (N.) 323.

Interpretation  
of terms.

3. The words used in this Act shall be construed in the like manner as in the Act of the fourth and fifth years of King William the Fourth, chapter seventy-six (a).

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24 & 25 VICT. CHAP. 133.

AN ACT to amend the Law relating to the Drainage of Land for  
Agricultural Purposes. [6th August, 1861.]

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Overseers to  
allow inspec-  
tion of poor  
rates.

39. For the purpose of assessing the sewers rate, any person appointed by the commissioners may inspect, take copies of, or make extracts from any rate for the relief of the poor within the district; and if any officer having the custody of such last-mentioned rate refuses to permit any such inspection, or the taking of any such copies or extracts, he shall for each offence incur a penalty not exceeding five pounds, to be recovered in a summary manner.

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25 & 26 VICT. CHAP. 43.

AN ACT to provide for the Education and Maintenance of  
Pauper Children in certain Schools and Institutions (b).  
[17th July, 1862.]

WHEREAS it is expedient that facilities should be given to guardians of the poor to provide education and maintenance for poor children in certain cases where they are not empowered to do so by the laws now in force: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

Power to  
guardians to  
send poor  
children to  
schools.

1. That the guardians of any parish or union may send any poor child to any school certified as hereinafter mentioned (c), and supported wholly or partially by voluntary subscriptions, the managers of which shall be willing to receive such child, and may pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school (not exceeding the total sum which would have been charged for the maintenance of such child if relieved in the

(a) See 4 & 5 Will. 4, c. 76, s. 109. (b) See also 18 & 19 Vict. c. 34.

(c) See sect. 2.

workhouse during the same period), and in the conveyance of such child to and from the same, and, in the case of death, the expenses of his or her burial (d).

2. The poor law board may, if they think fit, upon the application in writing of the managers of any such school as aforesaid, appoint such person as they shall deem proper to examine into the condition of the school, and to report to the said board thereon, and, if satisfied with such report, that board may, by writing under the hand of one of their secretaries, certify that such school is fitted for the reception of such children or persons as may be sent there by the guardians, in pursuance of this Act; and it shall be lawful for the said board, if at any time they shall be dissatisfied with the condition or management of such school, by notice addressed to the managers, and signed as aforesaid, to declare that the certificate is withdrawn from and after a day to be specified therein, not less than two months after the date thereof.

Poor law board to certify the school.

3. If the poor law board shall be of opinion that any person is aggrieved by any child being so sent or kept at such school as aforesaid, the board may order any such child to be removed, and the guardians shall forthwith cause such child to be removed from the school, and every engagement previously entered into for the payment of the charges of such child shall thereupon cease, and become void for the future.

Poor law board may order children to be removed from school.

4. Every school wherein any such child shall be received shall be open to the visitation and inspection of any inspector appointed by the poor law board, and he shall be empowered to make any examination into the state and management of the same which he shall deem requisite, and the condition and treatment of the said children therein, and shall make his report thereon to the said board; and the guardians by whom any child may have been sent to any such school as aforesaid may from time to time appoint any one of their body to visit and inspect such school, and such school shall at all reasonable times be open to such visitation or inspection.

School to be open to inspection.

5. The guardians may at any time, at their discretion, and shall, upon the requisition of the managers of the school, or upon the withdrawal of the certificate, as herein provided, cause any such child to be removed from any such school, and brought back to their parish or union.

Guardians to bring back child to parish or union.

6. No child shall be sent to such school unless he or she be an orphan, or deserted by his or her parents or surviving parent, or be one whose parents or surviving parent shall consent to the sending of such child to the said school.

Description of child to be sent to school.

7. Nothing herein contained shall enable the guardians to keep any child in any school against the will of such child, if above the age of fourteen, or of the parents or surviving parent of such child, whatever be the age of the child.

Continuance in school not to be compulsory.

(d) See 7 & 8 Vict. c. 101, s. 31; Vict. c. 106, s. 21; and 31 & 32 Vict. 29 & 30 Vict. c. 113, s. 14; 30 & 31 c. 122, ss. 13, 23.

Charge of expenses how to be borne.

8. The expenses incurred by the guardians in respect of any child under this Act shall be charged to the same fund and in the same manner as the relief otherwise supplied to such child would be charged.

Child not to be sent to certain schools.

9. No child shall be sent under this Act to any school which is conducted on the principles of a religious denomination to which such child does not belong (*a*).

Interpretation of "school."

10. The several words used in this Act shall be construed as in the Act of the fourth and fifth years of William the Fourth, chapter seventy-six: and the word "school" shall extend to any institution established for the instruction of blind, deaf, dumb, lame, deformed, or idiotic persons, but shall not apply to any certified reformatory school (*b*).

Extent of Act.

11. This Act shall not extend to Scotland or Ireland.

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## 25 & 26 VICT. CHAP. 82.

AN ACT for the more economical Recovery of Poor Rates, and other Local Rates and Taxes. [7th August, 1862.]

WHEREAS it is expedient to provide for the more economical recovery of poor rates and other local rates and taxes: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Consolidation of proceedings for the recovery of rates.

1. Where any number of local rates and taxes, whether of the same or of different kinds, are due from the same person, the rates and taxes so due may be included in the same information, complaint, summons (*c*), order, warrant, or other document required by law to be laid before justices or to be issued by justices (*d*), and every such document as aforesaid shall as respects each rate or tax comprised in it, be construed as a separate document, and its invalidity as respects any one rate or tax shall not affect its validity as respects any other rate or tax comprised in it:

No costs shall be allowed in respect of several informations, complaints, summonses, orders, warrants, or other such documents as aforesaid, in cases where, in the opinion of the justices or court having jurisdiction over the said costs, one information, complaint, summons, order, warrant, or other document as aforesaid might have sufficed, regard being had to the provisions of this Act (*e*).

(*a*) See 4 & 5 Will. 4, c. 76, s. 19.

(*d*) See 12 Vict. c. 14, s. 3.

(*b*) See 30 & 31 Vict. c. 106, s. 21.

(*e*) See 32 & 33 Vict. c. 41, s. 11.

(*c*) See 25 & 26 Vict. c. 102, s. 18.

## 25 &amp; 26 VICT. CHAP. 102.

AN ACT to amend the Metropolis local Management Acts.

[7th August, 1862.]

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5. From and after the passing of this Act the one hundred and seventieth section of the firstly recited Act is hereby repealed; and in lieu thereof be it enacted, that the metropolitan board of works shall from time to time ascertain and assess upon the several parts of the metropolis the several sums which, having regard to the annual rateable value of the property in such parts respectively, ought to be charged thereon for defraying the expenses of the said board in the execution of the firstly and secondly recited Acts and of this Act, and any such sums may be assessed wholly or in part in respect of expenses incurred or to be incurred, and also in respect of any unpaid balance of any former precept of the said board: Provided always, that such repeal shall not in any respect affect any Act, matter, or thing whatsoever done or commenced to be done under or by virtue of the said firstly and secondly recited Acts, or any proceeding taken or to be taken under the thirdly recited Act, or to affect or prejudice, except as herein specially provided, in any way the rights or liabilities of any district or part under the one hundred and eighty-first section of the firstly recited Act, but the same shall be judged of in all respects as if this Act had not been passed.

Sums to be assessed by metropolitan board.

6. For the purpose of making any assessment under the preceding section the board shall estimate the annual value of property according to the estimate or basis on which any county rate in force in any part of the metropolis is made, or where there is no such county rate, according to a like estimate or basis (*f*).

Basis of assessment.

7. All such assessments to be made by the metropolitan board of works shall be assessed and charged by the said board upon the same basis and in the same manner as the county rate is assessed and charged by the justices under the statutes in force for assessing and charging county rates in England and Wales (*g*): Provided always, that all precepts shall be issued and rates levied by the said board in manner directed by the several recited Acts relating to the better local management of the metropolis and by this Act, so far as relates to making precepts and levying rates (*h*).

Mode of assessment by the metropolitan board of works.

8. The assessment of any moneys to be assessed by the metropolitan board of works for the expenses of executing the

Assessments and precepts of metropolitan

(*f*) See 15 & 16 Vict. c. 81; (g) See 15 & 16 Vict. c. 81.  
25 & 26 Vict. c. 103, s. 28; and (h) See 32 & 33 Vict. c. 67, s. 77,  
32 & 33 Vict. c. 67, s. 77, Sch. 5. Sch. 5.

board may be according to forms in Schedule C.

Any vestry or district board may pay precept of metropolitan board out of any money in their possession, and reimburse themselves out of sewer rate.

Vestries may include in the sewers rate precepts of metropolitan board.

firstly and secondly recited Acts and this Act, and the precepts for obtaining payment of moneys required by the board for that purpose, may be according to the forms contained in Schedule C. to this Act, or to the like effect.

9. The vestry of any parish mentioned in Schedule A. to the firstly recited Act, or the board of works for any district to whom any precept of the metropolitan board shall be directed, may, if they shall see fit, pay to the person or body authorized by the said metropolitan board to receive the same the sum required by such precept, within such time as may be therein mentioned, out of any moneys in their possession at the time of their receiving such precept, or which may come into their hands at any time within two calendar months next after the service thereof; and all payments so made by any vestry or district board shall be charged by them against and reimbursed to them out of the moneys which the said vestry or district board shall and which they are hereby required to raise and collect by virtue of such precept.

10. Where, by any local Act of Parliament, the poor rate in any parish in Schedules A. or B. to the firstly recited Act is made by the vestry of such parish at a fixed period or periods in every year (*a*), it shall be lawful for such vestry, at their discretion, to include in the sewers rate for their parish such sum or sums of money as they may consider necessary to meet any precepts received or to be received from the metropolitan board of works during the period for which such poor rate extends, to defray the expenses of the said board in the execution of the said first-recited Act; and, at the time of making such poor rate, also to make a separate rate for the metropolis main drainage, to meet the precept received or to be received from the metropolitan board of works for the sum assessed for such rate during the year, such rates to be levied in the same manner, for the same period, upon the same persons, and to be subject to the like provisions as the sewers rate by the first-recited Act, and to be contained in the same book or books as the poor rate of the said parish, but distinguishing the title of each of the said separate rates or assessments, and to be collected quarterly or otherwise by such person or persons as shall be appointed by the said vestry to receive and collect the same: Provided, that nothing herein contained shall prevent the said metropolitan board of works from requiring payment, or relieve the vestry of any parish from the payment, of the sums assessed by such board at such times as they are now entitled by precept to require the same.

Sums collected in places in Schedule C. to 18 & 19 Vict. c. 120, beyond amount of

11. Where, under or by virtue of any rate or assessment made by an assessor appointed by the said metropolitan board of works, for the metropolis main drainage rate, any moneys shall have been or shall be collected in any place mentioned in Schedule C. to the firstly recited Act beyond the amount

(*a*) See 18 & 19 Vict. c. 120, s. 90.

required to satisfy the amount of the assessment of the said board upon the said place; and the expenses of and incidental to the preparing, making, collecting, and levying such rate or assessment, the excess shall be placed by the said board to the credit of such place, on account of the next assessment upon such place by the said board for the metropolis main drainage rate.

12. For obtaining payment of the sum assessed upon any place mentioned in Schedule C. to the firstly recited Act for the metropolis main drainage rate, the said board shall issue a precept under their seal requiring payment of the amount mentioned in such precept to their treasurer, or into any bank therein mentioned, within such time or times as may be therein limited, and every such precept shall be directed to the masters of the bench (*b*), treasurer, governors, or other body or persons having the chief control or authority in any such place; and the body or persons to whom any such precept shall be directed shall raise and levy the money required by the same by means of a separate rate, in like manner and subject to the like provisions as the sewers rate to be made under the provisions of the firstly recited Act and this Act; and the said body or persons may appoint one or more persons to collect any such rate, and may pay him or them such salary, poundage, or allowance as they may deem just and reasonable, and may take such security from every such collector for the due execution of his duty as they shall think reasonable and proper; and the several provisions hereinafter contained with respect to the levying, paying over, and accounting for moneys levied by collectors by direction of any vestry shall be applicable to every such collector: and the several enactments with respect to the levying of moneys by the said metropolitan board on the default of vestries and district boards shall apply in case of a default by the body or persons to whom any such precept may be directed by the said board to levy and pay over the money therein named according to the exigency thereof.

13. It shall be lawful for the metropolitan board of works, in case of any omission or other inaccuracy in any assessment or precept which they have made or issued, to make such amendments or alterations therein as may render the same conformable to the provisions of the recited Acts and this Act; and it shall be lawful for the said board, should they deem it requisite and proper, to revoke any precept which they may have issued, and to issue another precept in lieu thereof (*c*).

14. Whenever any vestry or district board shall by their order require the overseers of any parish or place to levy and pay over the sum or sums of money which such vestry or board may require, under the provisions of the said recited Acts or this Act, such overseers shall, within such period after the levying of the said sum or sums or any part thereof as the

rate for main drainage rate, &c. to be placed to credit of such places.

Payment of sums assessed upon places in said Schedule C.

Metropolitan board may amend assessments and precepts where necessary.

Overseers to pay over and account for moneys to vestries and district boards.

(*b*) See 20 Vict. c. 19, s. 3.

(*c*) See 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

said vestry or board shall determine, pay over to the treasurer of the said vestry or board, or to any officer, or into any bank in such order mentioned, the amount mentioned in such order, and the excess, if any, which may have been levied beyond such amount, less the expenses of and incidental to the making and collecting of the same, and shall make out and deliver to the said vestry or board a true and perfect account in writing, signed by them, and duly audited by the auditors appointed for such parish or place under the provisions of the firstly recited Act, of all monies and rates received by them in pursuance of the said order, and shall for such purpose produce to the said auditors the vouchers, counterfoils, or receipts for all payments made to or by them; and such auditors shall, for the purposes of the said audit, have all and every the powers and authorities given to the auditors named in the 195th section of the firstly recited Act; and in case any overseers shall fail to pay over such moneys or rates as aforesaid, or to render such account, or to produce such vouchers, counterfoils, and receipts for the space of twenty-one days after being thereunto required, they shall be subject to the penalties mentioned and contained in the sixty-fifth section of the firstly recited Act: Provided always, that where the term "overseer" or "overseers" shall extend to and include any vestry elected under the firstly hereinbefore recited Act, or any board of trustees or governors of any parish or place chosen under any local Act now in force, the provisions of this clause shall not be applicable to such vestry or board of trustees or governors, so long as the orders of the vestry or board shall be duly complied with and satisfied; and in every case in which the vestry does not appoint a collector or collectors to collect such rates, the said overseers are hereby authorized to employ and pay one or more collector or collectors to collect all such rates, and to take from every such collector security for his duly collecting such rates, and paying over and accounting for the same, and such security shall enure to the benefit of the overseers for the time being of every such parish or place who shall have all such and the same remedies thereon as the overseers to whom such security was originally given.

Power to metropolitan board, vestries and district boards to demand to be furnished with copies of poor rate, &c.

15. It shall be lawful for the metropolitan board of works, or for the vestry of any parish mentioned in Schedule A. to the firstly recited Act, or for any district board, by order in writing, to require the vestry clerk, overseer, collector, or other person having the custody or control of any rate for the relief of the poor in any parish or place, or of any other rate, or of any book containing a copy of any such rate as aforesaid, to furnish, within such period, not being less than seven days, as shall be limited in such order, a true copy of such rate for the relief of the poor, or other rate, or of such copy thereof as aforesaid, or of such part or parts of the same as shall be specified in such order, on payment or tender for such copy at the rate of sixpence for every twenty-four names (inclusive of all the parti-

culars in the several columns in the rate, so far as such particulars have reference to such names respectively), and the said copy shall be examined by and signed by such vestry clerk, overseer, collector, or other person, and shall be verified by his solemn declaration, if the said metropolitan board or vestry or district board shall require the same, which solemn declaration any justice of the peace, or commissioner duly authorized, is hereby empowered to administer; and any person having the custody or control of such rate, or copy thereof, who shall refuse or neglect to make and deliver to such metropolitan board, vestry, or district board, or any person by them authorized to receive the same, such copy or extract, or to make such solemn declaration as aforesaid, shall be liable to a penalty not exceeding ten pounds for every such offence, and to a further penalty not exceeding ten pounds for each and every day during which the said offence shall be continued, to be recovered by a summary proceeding (a).

16. Whenever the vestry of any parish mentioned in Schedule B. to the firstly recited Act shall have lawfully incurred any expenses in the execution of the said recited Acts or this Act, the board of works for the district in which such parish may be situate shall, in case the payment of such expenses is not otherwise provided for, pay and discharge the amount of such expenses out of the moneys which they are by the firstly recited Act authorized to raise for the payment of the expenses of the execution of such Act.

17. The sums from time to time assessed by the metropolitan board of works upon or in respect of any extra-parochial (b) or other property which was included in any separate sewerage district under the metropolitan commission of sewers, for or towards payment of any debt or debts charged upon such district at the determination of the said Act of the eleventh and twelfth Victoria, chapter one hundred and twelve, or of any interest thereon, for the payment of which provision is not otherwise made in the said recited Acts or this Act, shall be paid, on demand, to the said board, by the occupier of the tenements or premises (b), or by the person or persons in receipt of any tolls or profits issuing out of any incorporeal hereditaments in respect of which such assessment shall be made, and every such sum may be recovered by the said board by an action at law or by a summary proceeding before a justice, at the option of the said board.

18. In any proceedings before any justice or justices, by or on behalf of any vestry, district board, overseer or collector, against the occupier or owner of any premises, for the recovery of any rates assessed under the said Acts or this Act which may be in arrear, all the rates for the recovery of which such proceedings shall be taken shall be included in the same summons (c), and the charge for such summons shall not exceed

Expenses incurred by vestries named in Schedule B. in execution of Acts to be paid by district boards.

Recovery of moneys assessed by metropolitan board on extra-parochial property for payment of debts.

One summons only to issue for the recovery of rates.

(a) See 18 & 19 Vict. c. 120, s. 171.

(b) See 20 Vict. c. 19, s. 1.

(c) See 12 Vict. c. 14, s. 3; and 25 & 26 Vict. c. 82, s. 1.

one shilling, and the signature of any justice or justices to any such summons may be either in writing or by a stamp affixed as such justice or justices may direct.

\* \* \* \* \*

Inspectors of votes to appoint umpire.

36. The inspectors of votes directed to be appointed under the firstly recited Act (*d*) for any parish, or where any parish is divided into wards, for any ward of a parish, may, before commencing the duties of their office under the said Act, appoint by writing under their hands an umpire; and in case the said inspectors shall be unable to agree upon or determine by a majority any matter which they are by the said Act required to determine, such matter shall be decided by the said umpire, and his decision in relation thereto shall be final and conclusive.

\* \* \* \* \*

Provision in case of a vestryman being returned for more than one ward.

39. If any person be returned to serve in any vestry for more than one ward, he shall on or before the next meeting of the vestry after such election signify in writing to the clerk of such vestry his decision as to the ward which he may desire to represent on such return; and if before or at such meeting he shall refuse or neglect so to do, the vestry shall determine the ward which he shall represent; and the vacancy occasioned by such determination or decision shall be filled up by an election to be held for that purpose within one month from the date of such determination or decision, such elections to be conducted in the like manner as the annual elections of vestrymen.

\* \* \* \* \*

### SCHEDULE C.

\* \* \* \* \*

*Form of Precept demanding One Sum assessed upon the whole of a Parish or other Place.*

To the vestry [*or other body or person charged with payment of the amount*] of the parish [*or other place, describing it by name*].

By virtue of an Act passed in the nineteenth year of the reign of Queen Victoria, intituled "An Act for the better Local Management of the Metropolis,"

The metropolitan board of works do issue this their precept under their common seal to you the said vestry [*or chamberlain, &c.*], and do hereby require you to pay to            on or before the            day of            now next ensuing, the sum of            pounds            shillings and            pence, being the sum which ought in the judgment of the said board, to be charged upon the said parish [*or city, &c.*], for defraying the expenses of the

said board in the execution of the said Act, and which they the said board did, on the            day of            18            , ascertain and assess upon the said parish [or city, &c.], for such purpose under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf.

Dated this            day of            18            .

(L.S.)

*Form of Precept demanding an Amount made up of a sum assessed upon the whole of a Parish or other Place, and of a Sum or Sums assessed upon a Part or Parts of such Parish or Place.*

To the vestry [or other body or person charged with payment of the amount] of the parish [or other place, describing it by name].

By virtue of an Act passed in the nineteenth year of the reign of Queen Victoria, intituled "An Act for the better Local Management of the Metropolis,"

The metropolitan board of works do issue this their precept under their common seal to you the said vestry, and do hereby require you to pay to            on or before the            day of            now next ensuing, the sum of            pounds            shillings and            pence, the sum of            pounds            shillings and            pence, (*sic*) part of the sum of            pounds            shillings and            pence, being the sum which ought, in the judgment of the said board, to be charged upon the whole of the said parish for defraying the expenses of the said board in the execution of the said Act, and which they the said board did, on the            day of            18            , ascertain and assess upon the said parish for such purpose, under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf.

\* The sum of            pounds            shillings and            pence, other part of the said sum of            pounds            shillings and            pence, being the sum which ought in the judgment of the said board, to be charged upon that part of the said parish of            which was at and immediately before the determination and expiration of the Metropolitan Sewers Act, 1848, included in the            sewerage district, for defraying the expenses of the said board in the execution of the said Act, and which they the said board did, on the            day of            18            , ascertain and assess upon the said part of the said parish for such purpose, under and in pursuance of the provisions of the said Act and the Acts for amending the same in that behalf. [Where distinct sums are assessed upon other parts of the same parish, that portion of the preceding form commencing at\* may be repeated in each case].

Dated this            day of            18            .

(L.S.)

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25 & 26 VICT. CHAP. 103.

AN ACT to amend the Law relating to Parochial Assessments  
in England (a). [7th August, 1862.]

WHEREAS it is expedient that more effectual provision should be made for securing uniform and correct valuations of parishes in the unions of England: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

**Interpretation.** 1. The words used in this Act shall be construed in like manner as the words contained in the Act fourth and fifth of King William the Fourth, chapter seventy-six (b), and the word "committee" shall signify the assessment committee provided for by this Act; and this Act shall be termed "The Union Assessment Committee Act, 1862."

**Appointment of the assessment committee by board of guardians.** 2. The board of guardians of every union, formed under the Act fourth and fifth years of King William the Fourth, chapter seventy-six, shall, as soon as convenient after the passing of this Act and in every subsequent year, at their first (c) meeting after the annual election of guardians (d), appoint from among themselves any number not less than six nor more than twelve to be a committee, consisting partly of ex-officio (e) and partly of elected guardians, to be called the assessment committee of the union, for the investigation and supervision of the valuations to be made as hereinafter mentioned within such union, and for the performance of such said acts and duties as hereinafter mentioned: Provided always, that one-third at least of such committee shall consist of ex-officio guardians, in case there shall be an adequate number of such ex-officio guardians; but in case an adequate number of such ex-officio guardians shall not exist, then the number so deficient shall be made up of elected guardians (f).

**Where union has the same bounds as borough, names of assessment committee to be transmitted to town council, who may appoint additional members.** 3. Where any union shall have the same bounds as a municipal borough (g), the clerk to the guardians of such union shall, upon the appointment of the assessment committee, if directed by the said guardians to do so, transmit in writing the names of the persons so appointed to the town council of such borough, and such council may thereupon, if they think fit, appoint from themselves a certain number, not exceeding the number appointed by the board of guardians, who shall, until they respectively cease to be members of the town council or decline to act, forthwith form part of the assessment committee

(a) See 32 & 33 Vict. c. 67, as to the metropolis.

(b) See 4 & 5 Will. 4, c. 76, s. 109.

(c) See 14 & 15 Vict. c. 105, s. 2.

(d) See 14 & 15 Vict. c. 105, ss. 2, 4.

(e) See 4 & 5 Will. 4, c. 76, s. 38.

(f) See 32 & 33 Vict. c. 67, s. 5 (4), as regards the metropolis.

(g) See 5 & 6 Will. 4, c. 76.

for such union, and the said council may from time to time supply any vacancies in the number of persons appointed by them (*h*).

4. If the guardians shall neglect or be prevented from making such appointment at the meeting above specified (*i*), the poor law board shall by their order appoint some other day on which the guardians shall make such appointment (*k*). Provision for neglect to appoint.

5. If any ex-officio or elected guardian being a member of the committee cease to be guardian, or resign his seat at such committee, or die, or become incapable of acting as such member, the board of guardians shall with all convenient speed appoint an ex-officio or elected guardian, as the case may be, to supply the vacancy (*k*). Provision for vacancies.

6. During any vacancy in any assessment committee the other or continuing members of such committee may act, and shall have the same powers and jurisdiction as if no such vacancy had happened (*k*). Continuing members may act during vacancies.

7. The authority of the committee appointed for any union under this Act shall extend over every parish comprised in such union. Extent of committee's authority.

8. The committee shall hold their first meeting at the board-room of the union on a day to be fixed by the board of guardians, and the subsequent meetings of the committee shall be holden at such times and at such place and upon such notice and requisition as they shall from time to time appoint; and any guardian of the union may be present at any meeting of the committee, but shall not be entitled to take part in the proceedings thereof. First meeting, when to be holden.

9. All acts, orders, matters, and things by this Act authorized or directed to be made or done by the committee may be made or done by the major part of the members of such committee who shall be present at a meeting, the whole number present together at such meeting not being less than three, and not less in any case than one third of the whole number of which such committee consists; and when upon any question there shall be an equality of votes the presiding chairman shall have a second or casting vote. Quorum of meetings.

10. The committee shall employ the clerk or assistant clerk of the board of guardians as their clerk, with such remuneration for his services as the poor law board shall sanction (*l*). Committee may employ and pay clerk.

11. The committee shall cause a minute of their proceedings, and of the names of the members who attend each meeting, to be duly made from time to time in books to be provided for that purpose, which shall be kept by their clerk, under their superintendence, and every such entry shall be signed by the presiding chairman of the assessment committee present at the Proceedings to be entered in books, and signed;

(*h*) Repealed as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*k*) See 32 & 33 Vict. c. 67, s. 5 (4), as regards the metropolis.

(*l*) See sect. 38, *post*.

(*i*) See sect. 2.

Such entries evidence. meeting at which the proceeding took place (*i*); and such entry purporting to be so signed, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the committee, or of the signatures of the members, all of which facts shall be presumed until the contrary be proved; and all such books shall at all seasonable times be open to the inspection of every person rated to the relief of the poor in any parish or place in the union, without any fee being demanded for such inspection; and all such persons shall be entitled at all seasonable times to take copies or extracts from the said books, without paying any fee for the same; and if, on request made for that purpose, the clerk of the committee refuse to permit any such person to inspect any such books, or to take copies or extracts therefrom, as aforesaid, such clerk shall for every such offence be liable to a penalty not exceeding five pounds, upon a summary conviction for the same before two justices of the peace.

Books to be open to inspection. Proceedings of committees to be reported. 12. The board of guardians shall in the month of April in every year report the proceedings of their assessment committee to the poor law board.

Committee may require returns from overseers, &c.; 13. The committee by their order may from time to time require the overseers, assistant overseers, constables, assessors (*k*), collectors (*k*), and any other persons having the custody of any books of assessment of any taxes or rates, parliamentary or parochial, or of the valuations of any parish (*l*), or having the collection or management of any such taxes or rates, to make returns in writing to the committee, at such times and places as they may appoint, of all such particulars as they may direct in relation to such taxes, rates, or valuations, or any property included therein, so far as relates to the union for which they act, and may require the persons having the custody of any such books as aforesaid to make and transmit to the committee copies of or extracts from such books, or to permit such copies or extracts to be made by such persons as the committee may in that behalf direct; and may from time to time require any persons having the custody of any such books, or the collection or management of any such taxes or rates as aforesaid, to attend before them at a time and place to be mentioned in the order in this behalf, and to produce all parochial and public books of assessment, rates, rate-books, valuations, apportionments, tithe and other maps, plans, surveys, and other public documents in their custody or power, and may examine all persons who shall attend before them: Provided always, that nothing herein contained shall authorize the production of valuations or assessments which by any provision of law at present are not suffered to be made public (*k*).

and may require production of rates, &c., and examine persons attending before them.

(*i*) See 32 & 33 Vict. c. 67, s. 74, as to the metropolis.

(*k*) See 26 & 27 Vict. c. 33, s. 22.

(*l*) See 6 & 7 Will. 4, c. 96, s. 3.

14. Subject to any order as hereinafter referred to (*m*) Overseers to which may be made by the committee, the overseers of each parish in the union shall, within three calendar months after the appointment of such committee, make a list of all the rateable hereditaments in such parish, with the annual value thereof respectively in so much of the form shown in the schedule annexed to the Act sixth and seventh William the Fourth, chapter ninety-six, as is set out in the schedule to this Act; and unless such overseers think that the valuation then last acted upon in assessing the rate for the relief of the poor correctly shows the full annual rateable value of all such hereditaments, they shall revise such valuation, and such overseers shall sign every list so made by them as aforesaid, and such list shall be styled "The Valuation List" (*n*). prepare valuation lists.

15. The gross estimated rental for the purpose of the schedule to this Act shall be the rent at which the hereditament might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes, and tithe commutation rent-charge, if any (*o*): Provided that nothing herein contained shall repeal or interfere with the provisions contained in the first section of the said Act (six and seven William the Fourth, chapter ninety-six,) defining the net annual value of the hereditaments to be rated (*n*). Definition of gross estimated rental.

16. The committee by their order may from time to time enlarge the time within which the first valuation lists under this Act shall be made by the overseers of all or any of the parishes in the union (*p*), and for ensuring a uniform and correct valuation of every parish in the union may direct that any existing valuation of the rateable hereditaments in any parish be revised, in whole or in part, or a new valuation of such hereditaments be made by the overseers, or the committee may, with the consent of the board of guardians of the union, after notice shall have been sent to every guardian thereof, in any case appoint some person for either of the purposes aforesaid, and may direct such person to make and sign the valuation list instead of the overseers, and every valuation list so made and signed shall be delivered by such person to the overseers of the parish to which the same relates. Committee may enlarge the time for making valuation lists, and may give directions concerning valuations and valuation lists, and may appoint persons to make the same.

17. The valuation list for each parish made and signed by the overseers, or delivered to them, as hereinbefore provided (*q*), Valuation lists to be

(*m*) See sect. 16, *post*.

(*o*) See 32 & 33 Vict. c. 67, s. 4.

(*n*) Repealed as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*p*) See sect. 15.

(*q*) See sect. 16.

#### NEW HOUSES.

Houses newly erected and not yet occupied are rateable hereditaments within the meaning of 25 & 26 Vict. c. 103, ss. 14, 20 and 25, and ought to be inserted in the valuation lists: *Malden v. Kingston*, 38 L. J. M. C. 125; 33 J. P. 645; *S. C. Reg. v. Malden*, L. R. 4 Q. B. 326; 10 B. & S. 323. Decision on sect. 14.

deposited for inspection, and afterwards transmitted to the committee.

shall be deposited by the overseers in the place in such parish in which rate books are deposited or kept, *and a copy of such valuation list shall be forthwith delivered to the board of guardians (r)*, and the overseers shall give public notice of the deposit of such list on the Sunday next following the deposit of such list, and such notice shall be given in the same manner (s), and all persons assessed or liable to be assessed to the relief of the poor of such parish shall have the like right of inspecting, and of demanding and taking copies of and extracts from such list (t), as in the case of a poor rate allowed by the justices, and the overseers shall, at the expiration of fourteen days from the time of the notice given of the deposit of such list, transmit the same to the committee, and any overseer or other rate-payer within the union shall have the right of inspecting and taking copies of and extracts from any of the lists so transmitted (u).

Objections to valuation list.

18. Any overseer or overseers of any parish in any union who shall have reason to think that such parish is aggrieved by the valuation list of any parish within such union, or any person who may feel himself aggrieved by any valuation list on the ground of unfairness or incorrectness in the valuation of any hereditaments included therein, or on the ground of the omission of any rateable hereditament from such list, may at any time after the deposit as aforesaid of such list, and before the expiration of twenty-eight days after the notice of the deposit as aforesaid (x), give to the committee and to the overseers a notice in writing of his objection, specifying the grounds thereof, and where the ground of any objection shall be unfairness or incorrectness in the valuation of any hereditament in respect of which any person, other than the person objecting, is liable to be rated, or the omission of such hereditament, also give notice in writing of such objection, and of the ground thereof, to such other person (y).

Committee to hold meetings to hear objections.

19. The committee shall hold such meetings as they may think necessary for hearing objections to the valuation lists, and shall, twenty-eight days at least before holding every meeting for hearing objections to valuation lists, other than meetings by adjournment, cause notice of such meeting to be given to the overseers of the several parishes to which such lists relate, and such overseers shall, on the Sunday next following the receipt of such notice, publish the same in the manner in which notice of a rate allowed by justices is by law required to be given (z), and the committee may at any such meeting hear and determine such objec-

(r) The words in italics are, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(s) See 17 Geo. 2, c. 3, s. 1; and 1 Vict. c. 45, s. 2.

(t) See 17 Geo. 2, c. 3, s. 2; 17 Geo. 2, c. 38, s. 1; and 6 & 7 Will. 4, c. 96, s. 5.

(u) See 32 & 33 Vict. c. 67, s. 7, as to the metropolis.

(x) See sect. 17.

(y) See 27 & 28 Vict. c. 39, s. 1, and 32 & 33 Vict. c. 67, s. 7, as to the metropolis.

(z) See 17 Geo. 2, c. 3, s. 1; and 1 Vict. c. 45, s. 2.

tions, or may from time to time adjourn any such meeting, and adjourn or postpone the hearing or further hearing and determination of any such objections, and may, where they think fit, direct notice of any such objections to be given by the overseers or by the persons objecting to third parties before the further hearing thereof; but the committee shall not be required to hold a meeting for hearing objections to the valuation list of any parish, unless such notice in writing as hereinbefore mentioned of some objection or objections thereto have been given to the committee: and where a meeting is holden for hearing objections to the valuation list of any parish, the committee shall not hear any objection to such valuation list unless such notice as aforesaid (a) of such objection have been given to the committee and to the overseers; and where the ground of such objection is unfairness or incorrectness in the valuation of any hereditament of any other person than the person objecting, or the omission of such hereditament, also to such other person by the person objecting, except where the overseers, by themselves or any other person on their behalf, and in the case aforesaid such other person as aforesaid, by himself or any other person on his behalf, consent to the hearing of such objection, and in such case the committee may, if they see fit, hear the same; and where the committee see fit to hear the same they shall act in relation thereto in like manner as if notice of such objection had been duly given (b).

20. The committee may, whether any objection be or be not made to any such valuation list, and either before or after any meeting for hearing objections, make such alterations in the valuation of any hereditaments included in any valuation list, and insert therein any rateable hereditament omitted therefrom, and make such corrections in names, descriptions, and particulars in any valuation list, and upon such information, as to them may seem sufficient, and may, with the consent of the guardians as aforesaid (c), appoint or employ a person to survey and value the rateable hereditaments comprised in any such valuation list or any of them, or omitted therefrom, or may take such other means as they may think necessary for ascertaining the correctness thereof; and when the committee have heard and determined all such objections as aforesaid (d), and have made such alterations, insertions, and corrections in any valuation list as to them may seem proper, they shall approve the same under the hands of three members of the committee present at the meeting at which the same is approved, with the date of such approval.

21. Where the committee make any alteration in the valuation of any hereditaments included in, or insert therein any rateable hereditament omitted from, any such valuation list, they shall cause such valuation list, with such alteration or insertion, to

Board may direct further valuation, and correct valuation lists, and when corrected to approve the same.

Valuation list when altered to be deposited, &c.

(a) See sect. 18.

(c) See sect. 16.

(b) See 27 & 28 Vict. c. 39, s. 1; and 32 & 33 Vict. c. 41, s. 13.

(d) See sect. 19.

be deposited for inspection in manner hereinbefore provided, concerning the valuation list made by or delivered to the overseers (a), and shall cause the like notice to be given of such deposit as is required in the case of a valuation list so made or delivered as aforesaid (b), and shall appoint a day, not less than seven days nor more than fourteen days from the re-deposit of such valuation list, for the hearing of any objections to the valuation list as so altered; and when the committee have heard and determined any such objections, or have made such further alterations, insertions, and corrections in such valuation list, they shall approve the same in manner hereinbefore provided (c).

If on appeal a rate is amended the valuation list to be altered.

22. In case any ratepayer shall under the existing law appeal to the special sessions (d) or quarter sessions (e) against any rate made for the relief of the poor in any parish, and the result of such appeal shall be to amend the rate appealed against, the assessment committee shall alter the valuation list of the said parish in conformity with the decision so made (f).

Custody, &c. of valuation list after approval.

23. Every valuation list, when approved by the committee, shall be delivered to the overseers of the parish to which the same relates, and shall be preserved at the like place and in the like custody, and be subject to the like resort thereto, and be delivered over from time to time in like manner (g), as the books are wherein rates and assessments for the relief of the poor for the same parish are entered, and shall be produced by the overseers before the justices, upon application, for the allowance of rates, and at the special (h) or general or quarter sessions (i) when any appeal is to be heard, and also at such times and places as the committee may from time to time direct (f).

What shall be deemed valuation lists in force.

24. Every valuation list approved by the committee, and delivered to the overseers of the parish to which the same relates, shall, with and subject to the alterations and additions for the time being made therein or thereto by any supplemental valuation lists so approved and delivered, be the valuation list

(a) See sect. 17.

(b) See ib.

(c) See sect. 20. See 32 & 33 Vict. c. 67, s. 7, as to the metropolis.

(d) See 6 & 7 Will. 4, c. 96, ss. 6, 7.  
 (e) See 17 Geo. 2, c. 38, ss. 4, 5, 6; and 41 Geo. 3, c. 23, ss. 1-8.

(f) Repealed as regards the metro-

polis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(g) See 17 Geo. 2, c. 3, s. 2; 17 Geo. 2, c. 38, s. 13; 58 Geo. 3, c. 69, s. 6; 6 & 7 Will. 4, c. 96, s. 5; 24 & 25 Vict. c. 125, s. 2.

(h) See 6 & 7 Will. 4, c. 96, ss. 6, 7.

(i) See 17 Geo. 2, c. 38; and 41 Geo. 3, c. 23.

#### RE-DEPOSIT OF VALUATION LIST.

*Decision on sect. 21.*

When the assessment committee have altered a valuation list, the overseers, and not the assessment committee, are the proper persons to re-deposit it, and to give notice of the re-deposit: *Assessment Committee of the Chaulton (Chorlton) Union v. Chaulton (Chorlton)*, 12 L. T. (N. S.) 581; *S. C. Reg. v. Chorlton on Medlock*, 35 L. J. M. C. 56.

in force in such parish, except in the case of any parish, as is hereinafter referred to (*k*), in which the poor rate, or assessment for the poor rate, is made under the authority of a local Act, until a new valuation list in substitution for the same be approved and delivered in like manner (*l*).

25. When and so often as any property not included in the valuation list in force in any parish becomes rateable, or where, by reason of any alteration in the occupation of any property included in such list, such property becomes liable to be rated in parts not mentioned in such list as rateable hereditaments and separately valued therein, and when and so often as it shall appear to the overseers that any rateable property included in such list has been increased or reduced in value since the valuation thereof, whether by building, destruction of building, or other alteration in the condition thereof or otherwise, the overseers of the parish in each of the cases aforesaid shall, as soon as conveniently may be, make a supplemental valuation list showing the annual rateable value according to the judgment of the overseers of the property so become rateable, or of the parts so become liable to be rated separately, or of the property so increased or reduced in value, as the case may be (*l*). Overseers to prepare supplemental valuation lists in case of additions to or alterations in the rateable property of the parish.

26. The committee by their order may from time to time, where they see fit, upon the application of any person aggrieved by the valuation list in force in any parish, or where they themselves think the same expedient, direct a new valuation of all or any of the rateable hereditaments in such parish, and a new valuation list in substitution for such valuation list as aforesaid, or a supplemental list in substitution for any part thereof or in addition thereto, to be made by the overseers, or the committee may, with such consent as aforesaid (*m*), appoint a person for such purposes; and the committee may, in directing such new valuation, and the making of such new or supplemental valuation list, give and make all such or the like directions and provisions in relation thereto as they are authorized under this Act to give and make in relation to the valuations and valuation lists first directed and authorized to be made under the Act (*l*). Committee may from time to time direct new valuation, and new or supplemental valuation lists.

27. All the provisions of this Act in relation to signature, deposit, objections, approval, and otherwise concerning the valuation list first directed and authorized to be made under this Act of the rateable hereditaments in any parish shall be applicable to every new or supplemental valuation list to be made under this Act (*l*). This Act as to valuation lists first to apply to new valuation lists.

28. In every parish where a valuation list under this Act has been approved and delivered to the overseers, no rate for the relief of the poor, or other rate which by law is required After a valuation list is approved no

(*k*) See sect. 29.

(*l*) Repealed as regards the metro-

polis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*m*) See sect. 16.

rate to be  
 allowed unless  
 made accord-  
 ing to such  
 list.

to be based upon the poor rate, shall be of any force, unless the hereditaments included in such rate, except as hereinafter provided, be rated according to the annual rateable value thereof appearing in the valuation list in force in such parish; and instead of the declaration required by the second section of the said statute of the sixth and seventh years of William the Fourth, chapter ninety-six, the overseers shall, before the rate shall be allowed by the justices, sign a declaration according to the form set forth in the schedule hereunto annexed (*a*): Provided always, that where by reason of any alteration in the occupation of any property included in such list such property has become liable to be rated in parts not mentioned in such list as rateable hereditaments, and separately rated therein, such parts may, where a supplemental valuation list showing the annual rateable value of such parts has not been approved and delivered as hereinbefore required, and whether such list has or has not been made, be rated according to such amounts as shall be fair apportioned parts of the annual rateable value appearing in such valuation list in force as aforesaid of the hereditaments out of which such parts have been constituted.

Provision for  
 places under  
 local Acts.

29. The provisions of section twenty-eight shall not apply to any poor rate made by any vestry, trustees, guardians, commissioners, overseers, or other persons authorized by any local Act to make the rate for the relief of the poor in any parish, or the assessment on which such rate is made (*b*).

In computing  
 amount of  
 contributions  
 to common  
 fund the an-  
 nual rateable  
 value to be  
 taken from  
 approved  
 valuation lists.

30. When the assessment committee for any union shall have approved valuation lists for all the parishes comprised within such union, the guardians of such union, in computing the amount of contribution to the common fund for the several parishes, shall thenceforward take the annual rateable value of the property in such parishes respectively from the valuation lists for the time being lastly approved of for such parishes respectively, any statute to the contrary notwithstanding (*c*): Provided that in case any parish comprised in any union shall receive any sum of money as a contribution in aid of the poor rate of such parish, for or in respect of government property within such parish and used for public purposes, the annual value of such property, according to the estimate (if any) of such value on which the amount of the sum of money so received is computed, or, if there be no such estimate, then the annual value of such property, estimated in the mode provided by the Act sixth and seventh William the Fourth, chapter ninety-six (*d*), for making an estimate of the annual rateable value of property liable to be rated to rates for the relief of the poor, shall be included by the overseer or overseers in the valuation list of such parish, and shall be added to the annual rateable

(*a*) This section, down to the words "schedule hereunto annexed," is, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*b*) Repealed as regards the metro-

polis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*c*) See 24 & 25 Vict. c. 55, ss. 9, 10.

(*d*) See 6 & 7 Will. 4, c. 96, s. 1.

value of the property in such parish in computing the amount of contribution to the common fund for the several parishes in such union.

31. The committee shall cause a copy of the valuation list for the time in force for every parish in the union to be made and deposited at the board room or other convenient place to be appointed by the board of guardians in the custody of the clerk, which copy shall be open at seasonable times to the inspection of any of the guardians of the union, and of any overseer of any parish within the union, without charge, and of any ratepayer within the union on payment of one shilling, such fee to be carried to the account of the common fund (e).

Copy of valuation lists to be deposited in board room.

32. If the overseer or overseers of any parish in any union shall have reason to think that such parish is aggrieved by the valuation list of any parish within such union, whether it be on the ground that the rateable hereditaments comprised in the valuation list of such parish are valued at sums beyond the annual rateable value thereof, or on the ground that the rateable hereditaments comprised in the valuation list of some other parish in such union are valued at sums less than the annual rateable value thereof, it shall be lawful for such overseer or overseers, with the consent of a vestry summoned for the purpose of considering the expediency of giving such consent, to appeal to the quarter sessions for the county or borough in which the greatest number of parishes belonging to the union is situate, or, in case the number of parishes in any two or more such jurisdictions is equal, to the quarter sessions for the county or borough having jurisdiction over the parish in which the workhouse of the union is situate, at the sessions to be holden after the expiration of a month after the allowance of and deposit of such valuation list as aforesaid, against such valuation list of the parish which shall appear to be over-valued or under-valued; and if in any case any such overseer or overseers appeal against the valuation list of any other parish on the ground that the rateable hereditaments in such list are valued at less than the annual rateable value thereof, such overseer or overseers shall give fourteen clear days notice in writing previous to the first day of the said quarter sessions at which the appeal is to be made of the intention to appeal, and the grounds thereof, to the overseers of the poor of such parish, and to the guardians of the union comprising such parish; and if any overseer or overseers of any parish appeal against the valuation list of such parish on the ground that the rateable hereditaments in such list are valued beyond the annual rateable value thereof, such overseer or overseers shall give fourteen days notice in writing previous to the quarter sessions at which the appeal is to be made of the intention to appeal, and the grounds thereof, to the guardians of the union in which such parish is situate, the said court

Appeal against valuation list.

(e) Repealed, as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

shall be empowered to hear and determine such appeal, and either confirm such valuation list, or correct such irregularities or inaccuracies as shall be proved to exist therein as to them may appear fair and just; but no such valuation list shall upon such appeal be quashed or destroyed in regard to any other parish unless the court deem it necessary to proceed to the making of an entire new valuation list as hereinafter provided (a).

Hearing and  
determining  
appeals.

33. It shall be lawful for the court of quarter sessions upon any such appeal, instead of hearing the said appeal, to adjourn the same, and to order, upon the application of the appellant or respondent in such appeal, a survey or valuation of any of the parishes in respect of which such appeal shall be made, and to fix the next or some subsequent sessions for receiving such survey or valuation, and for hearing and determining such appeal: and such court shall also thereupon appoint a proper person to make such survey or valuation, and the person so appointed shall have power, with or without assistants, to enter upon and survey, measure, and value all the hereditaments liable to be assessed to the rates for the relief of the poor within the parish or parishes mentioned in such order, and such survey and valuation shall be reported to the quarter sessions on adjournment fixed as aforesaid for receiving the same, and the court then and there assembled shall hear and determine the said appeal in the manner hereinbefore set forth (a).

Costs of valuation and  
appeal.

34. The charges and expenses of any such survey and valuation so ordered shall be deemed costs in such appeal, and abide the event thereof, and the court before which any such appeal is heard and determined may order the costs in and about the appeal to be paid by either the appellant or respondent party, as they in their discretion may think fit; but where any appeal is made on the ground that the rateable hereditaments of any parish comprised in the valuation list of such parish are valued beyond the annual rateable value thereof, if the court on such appeal determine in favour of the appellants, such court shall ascertain the costs and charges incurred by such appellants in and about such appeal, and shall order the board of guardians of the union in which such parish is situate to pay the same to the appellants out of the money raised for the common fund for the several parishes in such union (a).

Act not to  
prevent com-  
position for  
rates.

35. Nothing herein contained shall be construed to prevent the owners of tenements from compounding for the rates to be assessed on the same, in such manner as they were by any statute or statutes enabled to do before the passing of this Act (b).

(a) Repealed, as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(b) See 59 Geo. 3, c. 12, s. 19;

and 13 & 14 Vict. c. 99. Repealed, as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

36. Nothing herein contained shall extend or be taken to render liable to be rated any property, or any person in respect of any occupation not now by law rateable of any property, or to deprive any property, or the occupier of any property, of the benefit of any exemption, in whole or in part, to which such property or occupier is now by law entitled, from any poor rate or other rate which by law is required to be based upon the poor rate, or to render liable to be rated, according to the annual rateable value thereof, any property which under any local Act or otherwise is entitled to be rated upon a fixed amount (c), or according to any special or exceptional principle of valuation, whether such property shall or shall not be included in any valuation list in force under this Act, or shall in anywise affect the provisions of "The Cambridge Award Act, 1856," or the Act of the seventeenth and eighteenth Victoria relating to the relief of the poor in the city of Oxford (d).

Saving of exemptions and special rules of rating.

37. The committee may allow such compensation for any returns, copies, or extracts, or any valuation, or valuation list, or other act, matter, or thing to be made or done in pursuance of their order, and such expenses connected therewith, as to the committee in each case seems just.

Board may allow compensation for returns, &c. and expenses.

38. The remuneration allowed by the committee to their clerk (e), and all expenses incurred by them for the common use and benefit of the several parishes within the union for which they are appointed, shall be paid by the guardians of the said union, and be charged upon the common fund thereof.

Remuneration to clerk, &c. to be paid out of common fund.

39. The expenses of making any valuation and valuation list of any parish, or any of such expenses, whether such valuation and valuation list respectively be made by the overseers, or by any person appointed by the committee, shall be

Expenses of valuation, &c. to be paid out of poor rates.

(c) See 23 & 24 Vict. c. 112, s. 33. tropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(d) Repealed, as regards the me- (e) See sect. 10.

#### NEW VALUATION—COSTS.

An assessment committee having given notice to the overseers of a parish to return a valuation list under s. 14 of 25 & 26 Vict. c. 103, of their parish in ten days, proceeded before the lapse of three months from their appointment to appoint a valuer to make a valuation of the parish. Afterwards, and after the three months, the overseers returned a valuation list which was deemed unsatisfactory by the committee, and the valuer was directed to complete his valuation, which exceeded by more than one-sixth the amount of the valuation returned by the overseers. The court held that the expense of this valuation by the person appointed by the committee could not be charged against the parish under sect. 39, nor as compensation under sect. 37: *Reg. v. Richmond*, 34 L. J. M. C. 186; 29 J. P. 310; 6 B. & S. 541.

*Decisions on sect. 37.*

Compensation for services rendered to the assessment committee in respect of valuation lists, cannot be recovered for a larger amount than the amount allowed by the assessment committee under 25 & 26 Vict. c. 105, s. 37. *Quære*, whether the members of the assessment committee are personally liable for expenses so allowed: *Hill v. Hippisley*, Q. B. 6 June, 1865, MS.

charged upon the poor rates of such parish if the valuation made by direction of the committee shall exceed by one sixth the amount of the valuation delivered to them by the overseers, and upon the common fund of the said union, if the valuation so made as last mentioned shall not exceed by one sixth the valuation so delivered as aforesaid (a).

Penalty for non-attendance, &c. in obedience to order of the committee.

40. Every person who wilfully refuses to attend in obedience to any lawful order of any such committee, or to give evidence, or refuses to produce any rate book, assessment, or valuation which may be lawfully required to be produced before such committee, shall for every such offence be liable to a penalty not exceeding twenty pounds upon a summary conviction for the same before two justices of the peace; and every person who wilfully injures, defaces, conceals, or destroys such rate book, or who upon any examination before any such committee wilfully gives false evidence, shall be deemed guilty of a misdemeanor.

Injuring, &c. rate books a misdemeanor.

Authentication and service of orders and notices of the committee.

41. Every order and notice made or given by the committee under this Act may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if signed by their clerk, and may be served by the same or a copy thereof being delivered personally or sent by the post to the party on or to whom such order or notice purports to be made or given, or by being delivered at his usual place of abode (a).

Service of notices, &c. on the committee.

42. Any notice or statement required to be served upon the committee may be served by being left at the office of the clerk to the board of guardians, or sent through the post office, addressed to the committee at such clerk's office, or by being delivered personally to their clerk, or at his usual place of abode (a).

Provision as to form of poor rate.

43. In every parish, until a valuation list has been approved, and delivered to the overseers under this Act, every rate made for the relief of the poor in such parish shall be made in the form and contain the particulars required by the said Act of the sixth and seventh years of King William the Fourth; and after such valuation list has been so approved and delivered, every such rate, except in any parish where the poor rate or the assessment for the same is made under the provisions of a local Act as aforesaid, shall show the annual rateable value of each hereditament comprised therein, according to the valuation list in force in such parish (a).

Provisions as to poor rates applicable to rates made according to this Act.

44. All the powers, authorities, provisions, clauses, and regulations, now in force relating to the assessment, collection, and levying of poor rates (save so far as the same are hereby repealed or altered) shall be good, valid, and effectual for the purposes of assessing, levying, collecting, and enforcing the payment of such rate and for carrying this Act into execution.

(a) Repealed, as regards the metropolis, by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

45. And whereas there are divers unions or incorporations for the relief of the poor formed under local Acts \* \* \* which may desire to adopt the provisions of this Act : Be it enacted, that any such union or incorporation, on resolution to that effect of a majority, at two successive meetings of the body, having under the constitution of such union or incorporation the management of the relief of the poor within the same, may, by writing under the hand of the presiding chairman of the second of such meetings, apply to the poor law board to be included in this Act ; and such union or incorporation, upon the consent of the poor law board being given to such application under its seal, shall be so included ; and such consent so signified shall be evidence that such application was in all respects duly made according to the provisions above mentioned ; and such regulations shall thereafter be made from time to time by the said board, with the consent of such body, as may be necessary to render the provisions of this Act conformable with the provisions of the Act under which the said union or incorporation shall have been formed (b).

Power for unions under \* \* \* local Acts to be included in this Act.

46. This Act shall extend only to England.

Extent of Act.

SCHEDULE.

VALUATION LIST for [the Parish or Place for which the List is made] in the county of .

Name of Occupier.	Name of Owner.	Description of Property.	Name or Situation of Property.	Estimated Extent.	Gross estimated Rental.	Rateable Value.

Signed this                      day of

A.B. } Overseers of the Poor of  
C.D. } the Parish aforesaid.

(b) Repealed, as regards the metropolis, by 32 & 33 Vict. c. 67, s.77, and Sch. 5.

RATEABLE VALUE.

The amount to be inserted in the column headed "rateable value" of the valuation list, is the true rateable value of the property, independent of whether or not the property is subject to the provisions of the Small Tenements Rating Act: *Sunderland-near-the-Sea v. Sunderland Union*, 11 Jur. (N. s.) 688 ; 34 L. J. M. C. 121 ; 18 C. B. (N.s.) 531 ; 13 L. T. (N. s.) 239. *Decision on 25 & 26 Vict. c. 103, Sch.*

## DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Union Assessment Committee Act of 1862, in force in this parish (*or township*), and the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list.

} Churchwardens.

} Overseers.

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25 & 26 VICT. CHAP. 107.

AN ACT to give greater Facilities for summoning Persons to serve on Juries, and for other Purposes relating thereto (*a*).

[7th August, 1862.]

6 Geo. IV. c. 50.

WHEREAS it is expedient to amend an Act passed in the session of parliament holden in the sixth year of the reign of His late Majesty King George the Fourth, intituled "An Act for consolidating and amending the Laws relative to Jurors and Juries," and also to give greater facilities for summoning persons to serve on any jury: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title of Act, &c.

1. This Act may be cited as "The Juries Act, 1862," and shall be construed with and as part of the said recited Act, hereinafter termed the Principal Act.

Exemptions from serving on juries.

2. All registered pharmaceutical chemists and managing clerks to attornies, solicitors, and proctors actually practising, all subordinate officers in gaols and houses of correction, shall be and are hereby absolutely freed and exempted from being returned and from serving upon any juries or inquests whatsoever, and shall not be inserted in the lists to be prepared by virtue of the principal Act or of this Act.

(*a*) See 33 & 34 Vict. c. 77.

3. All the provisions of the principal Act relating to the functions of high constables shall be and are hereby repealed, except as to any liabilities incurred before such repeal, and the duties of high constables as set forth in the principal Act shall cease and determine (b). Provisions as to high constables repealed.

4. The clerk of the peace in every county, riding, and division in England and Wales shall on or before the twentieth day of July in every year issue his precept (in the form set forth in the schedule to this Act, or as near thereto as may be), to the churchwardens and overseers of the poor of the several parishes, and to the overseers of the poor of the several townships, within the county, riding, or division for which he acts, requiring them to make out before the first day of September then next ensuing a true list of all men residing within their respective parishes and townships qualified and liable to serve on juries according to the principal Act, and also to perform and comply with all other the requisitions in the said precepts contained, and shall forward the same, together with a competent number of printed forms of returns, for the use of the respective persons by whom such returns are to be made, by post, in a registered letter having the words "Jury Precept" legibly written or printed on the outside thereof, and addressed to the churchwardens and overseers as aforesaid; and every precept delivered or tendered as a registered letter at the address of the person to whom it is addressed, whether a receipt be given for the same or not, shall be deemed to have been served on the person to whom the same was so delivered or tendered, and if delivered or tendered to any one churchwarden or overseer of a parish or township shall be deemed to have been served on the whole of the churchwardens and overseers of such parish or township (c). Clerk of the peace to issue precepts to parish officers by post.

5. The provisions of the principal Act as to the expense of printing the warrants, precepts, and returns therein mentioned shall apply to the printing of the precepts and returns required by this Act (d); and the precepts and jury lists required to be posted and registered by this Act shall be posted and registered at the expense of the county, riding, or division. Precepts, &c. to be printed at the expense of the county, &c.

6. After the receipt of such precept from the clerk of the peace, the duties of the churchwardens and overseers with reference to the jury lists, and the penalties to which they are liable for making default therein, shall be in all respects the same as if the words "clerk of the peace" had been substituted for the words "high constable" in the eighth section of the principal Act. Duties and liabilities of parish officers to continue.

7. No notice shall be sent to the high constable of the holding of a special petty sessions for the production of the jury lists, as required by the tenth section of the principal Act. As to notices of special petty sessions.

(b) See 32 & 33 Vict. c. 47.

(c) See 6 Geo. 4, c. 50, s. 8.

(d) See ib. s. 9; and 7 & 8 Vict.

c. 101, s. 60.

Justices to  
adjourn petty  
sessions for the  
production of  
list.

8. It shall be lawful for the justices of the peace then present to adjourn any special petty sessions held under the provisions of the tenth section of the principal Act to any day within seven days thereafter, for the production of the jury list for any parish or township which, through the default of any churchwarden or overseer, has been omitted to be produced at such special petty sessions, and notice shall be sent by the clerk to such justices to such churchwardens or overseers requiring them to produce the said list at such adjournment.

\* \* \* \* \*

Jury lists to  
be made, &c.  
in the city  
of London  
as before.

14. \* \* \* Nothing in this Act contained shall alter or affect the mode of procedure heretofore pursued in the making out of jury lists or the summoning of jurors in the city of London.

\* \* \* \* \*

SCHEDULE.

*Precept for returning Lists of Jurors.*

County of  
to wit.  
Hundred  
of

} To the Churchwardens and Overseers of the Poor  
of the Parish [*or to the Overseers of the Poor of*  
the Township] of

You are hereby required to make out, before the first day of September next, a true list in writing in the form hereunto annexed, containing the names of all men, being natural-born subjects of the Queen, between the ages of twenty-one and sixty, residing within your parish [*or township*] qualified to serve upon juries; that is to say, of every such man who has in his own name, or in trust for him, a clear income of ten pounds by the year in lands or tenements, whether of freehold, copyhold, or customary tenure, or of ancient demesne, situate in the said county, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple or fee tail, or for his own life, or for the life of any other person, and also of every such man who has a clear income of twenty pounds by the year in lands or tenements situate in the said county, held by lease for the absolute term of twenty-one years, or some longer term, or for any term of years determinable on any life or lives, and also of every such man who is a householder in your parish [*or township*], and is rated or assessed to the poor rate or to the inhabited house duty on a value of not less than twenty pounds [*if in Middlesex thirty pounds*], and you are required to make out the said list in alphabetical order, and to write the Christian and surname of every man at full length, and the place of his abode, his title,

quality, calling, or business, and the nature of his qualification, in the proper columns of the forms hereunto annexed, according to the specimens given in such columns for your guidance.

And if you have not a sufficient number of forms you must apply to me for more ; and in order to assist you in making out the list you are to refer to the poor rate, and you may, if you think proper, apply to any collector or assessor of taxes, or any other officer who has the custody of any house tax, land tax, or other tax assessment for your parish [*or township*], and take from thence the names of men so qualified : And in making such list you are to omit the names of all peers, all judges, all clergymen, all Roman Catholic priests who shall have duly taken and subscribed the oaths and declaration required by law ; all ministers of any congregation of Protestant dissenters whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster, and produce to you a certificate of some justice of the peace of their having taken the oaths and subscribed the declaration required by law ; all serjeants and barristers at law, all members of the Society of Doctors of Law, and all advocates of the civil law, if actually practising, and all attornies, solicitors, and proctors, if actually practising, and having taken out their annual certificates, and their managing clerks ; all officers of the courts of law and equity, and of the admiralty and ecclesiastical courts, if actually exercising the duties of their respective offices ; all coroners, all gaolers and keepers of houses of correction, and all subordinate officers of the same ; all members and licentiates of the Royal College of Physicians in London, all members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, and apothecaries certificated by the court of examiners of the Apothecaries Company, and all registered pharmaceutical chemists, if actually practising as physicians, surgeons, or apothecaries, or pharmaceutical chemists respectively ; all officers of the navy and army on full pay ; the master, wardens, and brethren of the corporation of Trinity House of Deptford Strond, and their clerks, officers, and servants ; all pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations and all pilots licensed under any Act of parliament or charter for the regulation of pilots ; all the household servants of Her Majesty ; all commissioners of property and income tax ; all officers of the post office ; all officers of customs and excise ; all sheriffs officers, high constables, and parish clerks ; all officers of the rural and metropolitan police ; and also all persons exempt by virtue of any Act of parliament, prescription, charter, grant, or writ.

And when you have made out such list you are authorized to order a sufficient number of copies thereof to be printed, the expense of which printing will be allowed you by the parish [*or township*], and you are required, on the three first Sundays in

September next, to fix a copy of such list, signed by you, on the principal door of every church, chapel, or other public place of religious worship within your parish [*or township*], and also to subjoin to every such copy a notice to the following effect, inserting the time and place, of which you shall be previously informed: "Take notice, that all objections to the foregoing list will be heard by the justices in petty sessions on the day of September next, at the hour of            at            ;" and you must allow any inhabitant of your parish [*or township*] to inspect the original list, or a true copy of it, during the three first weeks of September next, gratis; and you are also further required to produce the said list at such petty sessions, and there to answer on oath such questions as shall be put to you by Her Majesty's justices of the peace there present touching the said list; and these several matters you are in nowise to omit, upon the peril that may ensue.

Given under my hand at            in the said county, the  
day of            in the year

Clerk of the Peace.

*The Form of Precept in Wales is to be altered according to  
the difference of qualification.*

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## 25 & 26 VICT. CHAP. 111.

AN ACT to amend the Law relating to Lunatics.

[7th August, 1862.]

WHEREAS it is expedient to amend the law relating to lunatics, other than those found lunatics by inquisition, or lunatics convicted of crime, or acquitted on the ground of insanity: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows; (that is to say,)

### *Preliminary.*

Interpretation  
of terms.

1. In the construction and for the purposes of this Act (if not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say,

"Lunacy Act, chapter one hundred," shall mean an Act passed in the session holden in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred, and intituled "An Act for the Regulation of the Care and Treatment of Lunatics:"

"Lunacy Act, chapter ninety-six," shall mean an Act passed in the session holden in the sixteenth and seven-

teenth years of the reign of Her present Majesty, chapter ninety-six, intituled "An Act to amend an Act passed in the ninth Year of Her Majesty, for the Regulation of the Care and Treatment of Lunatics:"

"Lunacy Act, chapter ninety-seven," shall mean an Act passed in the session holden in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter ninety-seven, intituled "An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and boroughs, and for the Maintenance and Care of Pauper Lunatics, in England:"

"The Lunacy Acts" shall include the three Acts above mentioned and this Act:

"Asylum" shall have the same meaning as it has in the Lunacy Act, chapter ninety-seven (a).

"Registered hospital" shall mean any hospital registered for the reception of lunatics.

2. This Act shall be construed as one Act with the Lunacy Construction Acts, chapters one hundred, ninety-six, and ninety-seven, and of Act. words defined by the said Acts or any of them shall have the same meaning in this Act (b).

3. This Act may be cited for all purposes as the "Lunacy Short title. Acts Amendment Act, 1862."

\* \* \* \* \*

6. Where the committee of visitors enter into any agreement for the reception into the county asylum of pauper lunatics belonging to a county or borough which has not contributed to the erecting or providing such asylum, and think fit under the Lunacy Act, chapter ninety-seven, section fifty-four, to fix a greater weekly sum than is charged by them in respect of lunatics sent from or settled in some place, parish, or borough which has contributed to the building or providing such asylum, they may, if they think fit, pay over the excess created by the payment of such greater weekly sum to a building and repair fund, to be applied by them to the altering, repairing, or improving such asylum, and shall annually submit to the general or quarter sessions a detailed statement of the manner in which such fund has been expended (c).

Excess of payment may be paid to a building and repair fund.

7. Where any contract has been made by a committee of visitors of any county or borough under the Lunacy Act, chapter ninety-seven, section forty-two, for the reception into any asylum, hospital, or licensed house of the whole or a portion of the pauper lunatics of such county or borough, it shall be lawful for the justices of such county or borough, so long as such contract is subsisting, to defray out of the county or borough rate so much of the weekly charge agreed upon for

Provision as to contract for reception of lunatics.

(a) See 16 & 17 Vict. c. 97, s. 132. Vict. c. 97, s. 132, and sect. 47 of this Act.

(b) See 8 & 9 Vict. c. 100, s. 114; 16 & 17 Vict. c. 96, s. 36; 16 & 17 (c) See 24 & 25 Vict. c. 55, s. 6, and sect. 7 of this Act.

each pauper lunatic received therein as may, in the opinion of such committee of visitors, represent the sum due for the use of such asylum, hospital or licensed house, not exceeding, however, one fourth of the whole of such weekly charge, in exoneration to that extent of the union to which the maintenance of any such pauper lunatic may be chargeable (*a*).

Provision for  
care of chronic  
lunatics.

8. It shall be lawful for the visitors of any asylum and the guardians of any parish or union within the district for which the asylum has been provided, if they shall see fit, to make arrangements, subject to the approval of the commissioners and the president of the poor law board, for the reception and care of a limited number of chronic lunatics (*b*) in the work-house of the parish or union, to be selected by the superintendent of the asylum and certified by him to be fit and proper so to be removed (*c*).

Lunatics in  
asylum.

9. The committee of visitors of any asylum may provide accommodation for the burial of pauper lunatics dying in the asylum by acquiring a new burial ground, or by enlarging any existing burial-ground (*d*): they may purchase for the purposes aforesaid any land, and may grant any land when purchased, or any land already belonging to them, to any person or body of persons, to be held on trust for a new burial-ground, or as part of an existing burial-ground, or they may themselves hold such land on trust as a new burial-ground or as part of an existing burial-ground; they may also contribute any sums of money to any person or body of persons on condition of such person or body of persons agreeing to provide accommodation for the burial of such paupers as aforesaid in any burial-ground: they may also take steps for the consecration of any new burial-ground or enlarged burial-ground, or any part thereof, and in the case of a new burial-ground they may provide for the appointment of a chaplain therein; they may enter into any agreements necessary for carrying into effect the powers conferred by this section, but the exercise of such powers shall be subject to the restrictions following:

Firstly. That not more than two statute acres shall in the case of any one asylum be purchased or granted as a new burial-ground, or for an enlargement of an existing burial-ground:

Secondly. That the sanction of the court of general or quarter sessions and of one of Her Majesty's principal secretaries of state shall be given to any plan that may be proposed by any visitors for carrying into effect this section.

All expenses incurred by any visitors in providing accommodation for the burial of pauper lunatics, in pursuance of this

(*a*) See 24 & 25 Vict. c. 55, s. 6, and sect. 6 of this Act.

(*b*) See 26 & 27 Vict. c. 110, s. 2.

(*c*) See 31 & 32 Vict. c. 122, ss. 13, 43.

(*d*) See 16 & 17 Vict. c. 97, s. 120; and 18 & 19 Vict. c. 105, s. 13.

Act, shall be deemed to be monies, costs, and expenses payable for the purposes of the Lunacy Act, chapter ninety-seven, and may be defrayed accordingly.

\* \* \* \* \*

11. It shall be lawful for any committee of visitors, with the sanction of the court of general or quarter sessions, to hire or take on lease, from year to year or for any term of years, at such rent, and upon such terms, and under such covenants as they think fit, any land or buildings, either for the employment or occupation of the patients in the asylum, or for the temporary accommodation of any pauper lunatics for whom the accommodation in the asylum may be inadequate.

Taking on lease additional lands for use of asylum.

\* \* \* \* \*

17. If any person empowered by licence issued under the Lunacy Act, chapter one hundred, to employ his house and premises for the reception of lunatics receives into his house any patients beyond the number specified in his licence, or fails to comply with the regulations of his licence in respect of the sex of the patients to be received, or the class of patients, whether private or not, to be received, he shall, in respect of each patient received in contravention of his licence, incur a penalty not exceeding fifty pounds.

Penalty on infringing terms of licence.

\* \* \* \* \*

### *Admission and Visitation of Patients.*

19. Whereas by the sixty-seventh section of the Lunacy Act, chapter ninety-seven, it is amongst other things enacted as follows: "That every relieving officer of any parish within a union or under a board of guardians, and every overseer of a parish of which there is no relieving officer, who shall have knowledge either by such notice or otherwise that any pauper resident in such parish is or is deemed to be a lunatic and a proper person to be sent to an asylum, shall within three days after obtaining such knowledge give notice thereof to some justice of the county or borough within which such parish is situate:" Now be it enacted, that the said section shall be construed as if the words "and a proper person to be sent to an asylum" had been omitted in the said recited enactment.

Provision for sending pauper lunatics to asylums.

20. No person shall be detained in any workhouse, being a lunatic or alleged lunatic, beyond the period of fourteen days (e), unless in the opinion, given in writing, of the medical officer of the union or parish to which the workhouse belongs such person is a proper person to be kept in a workhouse, nor unless the accommodation in the workhouse is sufficient for his reception, and any person detained in a workhouse in contravention of this section shall be deemed to be a proper person to be sent to an asylum within the meaning of section sixty-seven of the Lunacy Act, chapter ninety-seven; and in the event of any person

Lunatics proper to be sent to asylums.

(e) See 4 & 5 Will. 4, c. 76, s. 45.

being detained in a workhouse in contravention of this section, the medical officer shall for all the purposes of the Lunacy Act, chapter ninety-seven, be deemed to have knowledge that a pauper resident within his district is a lunatic, and a proper person to be sent to an asylum, and it shall be his duty to act accordingly, and further to sign such certificate as is contained in Schedule F. to the said Act, No. 3, with a view to more certainly securing the reception into an asylum of such pauper lunatic as aforesaid.

Amendment  
of form of list  
as respects  
pauper luna-  
tics in work-  
houses.

21. The list of lunatic paupers required by section sixty-six of the Lunacy Act, chapter ninety-seven, to be made out by the medical officer, shall be in the form in the schedule marked B. hereto, and not in the form required by the said section, and shall, as respects such of the lunatics therein mentioned as may be in any workhouse, state whether, in the opinion of the medical officer, the workhouse is or not sufficient for the accommodation of the lunatics detained therein, and whether or not the lunatics detained therein are proper persons to be kept in a workhouse.

\* \* \* \* \*

Relative of  
pauper to be  
named in or-  
der of admis-  
sion.

25. Where an order is made, in pursuance of the Lunacy Acts or any of them, for the reception of any private or pauper lunatic into any asylum, registered hospital, or licensed house, there shall be inserted in every such order, wherever it be possible, the name and address of one or more of the relations of the lunatic; and in the event of his death it shall be the duty of the clerk of such asylum, the superintendent of such hospital, and the proprietor or superintendent of such licensed house, to send by post notice of his death in a prepaid letter addressed to such relation or one of such relations.

Same order  
and certifi-  
cates to justify  
detention as  
pauper of  
private pa-  
tient.

26. The order and certificate required by law for the detention of a patient as a pauper shall extend to authorize his detention, although it may afterwards appear that he is entitled to be classified as a private patient; and the order and certificates required by law for the detention of a patient as a private patient shall authorize his detention, although it may afterwards appear that he ought to be classified as a pauper patient.

Provision as  
to defective  
certificates.

27. Where any medical certificate upon which a patient has been received into any asylum, registered hospital, licensed or other house, or either of such certificates, is deemed by the commissioners incorrect or defective, and the same are or is not duly amended to their satisfaction within fourteen days after the reception by the superintendent or proprietor of such asylum, registered hospital, or licensed or other house of a direction or writing from the commissioners requiring amendment of the same, the commissioners or any two of them may, if they see fit, make an order for the patient's discharge.

\* \* \* \* \*

Power to re-  
move lunatic  
from work-  
house to  
asylum.

31. Where upon the visitation of any workhouse by any two or more of the commissioners in lunacy it appears to them that any lunatic or alleged lunatic therein is not a proper person to be kept in a workhouse, they may by an order under

their hands direct such lunatic to be received into an asylum, and any order so made shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum under the sixty-seventh section of the Lunacy Act, chapter ninety-seven: Provided always, that it shall be lawful for the guardians of the union or parish to which any workhouse belongs to appeal against such order at any time within one calendar month from the making thereof to Her Majesty's principal secretary of state for the home department, who shall thereupon exercise the power given to him by section one hundred and thirteen of the Lunacy Act, chapter one hundred, save that he shall not appoint thereunder the commissioners who made the order appealed against or either of them; and the order in the matter of the secretary of state, made upon the report of the special visitation, shall be binding on all parties concerned (a).

32. Any two or more of the commissioners in lunacy may visit any pauper lunatic or alleged lunatic not in an asylum, hospital, licensed house, or workhouse, and may, if they think fit so to do, call to their assistance a physician, surgeon, or apothecary, and examine such pauper; and if such physician surgeon or apothecary sign a certificate with respect to such pauper, according to the form in Schedule F. No. 3, annexed to the Lunacy Act, chapter ninety-seven, and the commissioners are satisfied that such pauper is a lunatic, and a proper person to be taken charge of and detained under care and treatment, they may, by an order under their hands, direct such lunatic or alleged lunatic to be received into an asylum, and any order so made shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum under the sixty-seventh section of the Lunacy Act, chapter ninety-seven.

Removal of single pauper patients to asylums.

33. The order made by any two or more of the commissioners in lunacy in pursuance of this Act may authorize the admission of a lunatic not only into any asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, but also into any other asylum for the reception of pauper lunatics of such county or borough, and also into any asylum for any other county or borough, or any hospital registered or house licensed for the reception of lunatics, under the same circumstances and subject to the same conditions under which an order of the justice or justices may authorize such admission in pursuance of section seventy-two of the Lunacy Act, chapter ninety-seven.

Effect of order for removal.

34. The superintendent of every asylum shall, once at the least in each half year, transmit to the guardians of every union, and of every parish under a board of guardians, and the overseers of every parish not in a union nor under a board of

Statement of condition of pauper lunatics to be transmitted to guardians.

(a) See 30 & 31 Vict. c. 106, s. 22.

guardians, a statement of the condition of every pauper lunatic chargeable to such union or parish.

\* \* \* \*

Visiting committee to enter observations in a book respecting dietary, accommodation, &c., of lunatics in work-houses.

37. The visiting committee of every union, and of every parish under a board of guardians, and the overseers of every parish not in a union nor under a board of guardians, shall once at the least in each quarter of a year enter in a book to be provided and kept by the master of the workhouse such observations as they may think fit to make respecting the dietary, accommodation, and treatment of the lunatics or alleged lunatics for the time being in the workhouse of their union or parish, and the book containing the observations made in pursuance of this section by the visiting guardians or overseers shall be laid by the master before the commissioners on his or their next visit.

Miscellaneous Clauses.

Patients may be permitted to be absent on trial from hospitals and private houses.

38. Section eighty-six of the Lunacy Act, chapter one hundred, and section seventeen of the Act eighteenth and nineteenth Victoria, chapter one hundred and five, shall extend to authorize the proprietor or superintendent of any licensed house or hospital, with such consent, and to be given on such approval as thereby required, to permit any patient to be absent from such hospital or house upon trial for such period as may be thought fit:

Two of the commissioners, as regards any hospital or any licensed house, and two of the committee of governors of any hospital, and two of the visitors of any licensed house, as regards any licensed house within the jurisdiction of visitors, may of their own authority permit any pauper patient therein to be absent from such hospital or house upon trial for such period as they may think fit, and may make or order to be made an allowance to such pauper not exceeding what would be the charge for him in such hospital or house, which allowance shall be charged for him and be payable as if he were actually in such hospital or house, but shall be paid over to him, or for his benefit, as the said commissioners or visitors may direct.

In case any person so allowed to be absent on trial for any period do not return at the expiration thereof, and a medical certificate as to his state of mind certifying that his detention as a lunatic is no longer necessary be not sent to the proprietor or superintendent of such licensed house or hospital, he may at any time within fourteen days after the expiration of the same period be retaken as in the case of an escape.

Penalty on officer conniving at the escape of lunatics.

39. If any officer or servant in any hospital or licensed house, through wilful neglect or connivance permits any patient to escape from such hospital or licensed house, or secretes, or abets, or connives at the escape of any patient from such hospital or licensed house, he shall for every such offence incur a penalty not exceeding twenty pounds.

\* \* \* \*

44. The superintendent of every asylum, and every person having the care or charge of a single patient, shall, in the event of the death of any patient, transmit to the coroner of the county or borough the same statement as is required by law to be transmitted in the case of the death of any patient in any hospital or licensed house; and if such coroner, after receiving such statement, thinks that any reasonable suspicion attends the cause and circumstances of the death of such patient, he shall summon a jury to inquire into the circumstances of such death.

Report to coroner of death of single patient.

Any superintendent or person in charge who makes default in complying with the requisitions of this section shall be guilty of a misdemeanor.

45. Section fourteen of the Act of the session holden in the eighteenth and nineteenth years of Her Majesty, chapter one hundred and five, shall be repealed, and in lieu thereof be it enacted, Where any pauper lunatic is not settled in the parish by which or at the instance of some officer or officiating clergyman of which he is sent to an asylum, registered hospital, or licensed house, and it cannot be ascertained in what parish such pauper lunatic is settled, and such lunatic is found in a borough which has a separate court of sessions of the peace, and is not liable, under the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter seventy-six, section one hundred and seventeen, to the payment of a proportion of the sums expended out of the county rate, or is found in any borough which, under the Act of the session holden in the twelfth and thirteenth years of Her Majesty, chapter eighty-two, is exempted from liability to contribute to the payment of the expenses incurred for maintaining pauper lunatics chargeable to the county in which such borough is situate, such lunatic shall be adjudged to be chargeable to the borough in which he is found (*a*); and it shall not be lawful for any justices to adjudge such lunatic to be chargeable to any county, nor to make any order upon the treasurer of any county for the payment of any expenses whatsoever incurred or to be incurred in respect of such lunatic.

Chargeability of pauper lunatics whose settlements cannot be ascertained where found in certain boroughs.

All the provisions in the Lunacy Act, chapter ninety-seven, as to the mode of determining that a pauper lunatic is chargeable to a county, and as to the orders to be made for payment of expenses and other monies in respect of such lunatic, and for the repayment thereof to the treasurer of a county, shall extend to the case of a borough to which a lunatic is made chargeable under this section as if the said provisions were re-enacted in this Act, and such borough were therein mentioned or referred to instead of a county (*b*).

\* \* \* \* \*

(*a*) See 24 & 25 Vict. c. 55, s. 6.

(*b*) See 16 & 17 Vict. c. 97, ss. 98, 99; and 24 & 25 Vict. c. 55, s. 7.

Definition of  
physician,  
surgeon, or  
apothecary.

47. The term physician, surgeon, or apothecary, wherever used in the Lunacy Acts, shall mean a person registered under "The Medical Act" passed in the session holden in the twenty-first and twenty-second years of the reign of her present Majesty, chapter ninety.

Part of  
sect. 132 of  
16 & 17 Vict.  
c. 97, repealed.

48. So much of section one hundred and thirty-two of the Lunacy Act, chapter ninety-seven, as enacts that in that Act, unless there be something in the subject or context repugnant to such construction, the word "county" shall mean a county of a city or county of a town, shall, except with respect to the city of London, be repealed (a), and all the provisions of the said Act and of the Acts amending the same shall be read and construed accordingly (b).

\* \* \* \* \*

SCHEDULE B.

County of  
Union [or parish] of  
QUARTERLY LIST OF LUNATIC PAUPERS within the district of the  
union of [or the parish of ], in the county or  
borough of , not in any asylum, registered hospital, or  
licensed house.

Name.	Sex.	Age.	Form of Mental Disorder.	Duration of present Attack of Insanity, and if idiotic, whether or not from Birth.	Resident in Work- house.	Non-resi- dent in Work- house, where and with whom resident.	Date of Visit.	In what Condition, and, if ever restrained, why, and by what Means, and how often.

I declare that I have personally examined the several persons whose names are specified in the above list on the days set opposite their names; and I certify, firstly, with respect to those appearing by the above list to be in the workhouse, that the accommodation in the workhouse is sufficient for their reception, and that they are all [or all except A. B. and C. D.] proper patients to be kept in the workhouse; and, secondly, with respect to those appearing by the above list to be resident elsewhere than in the workhouse, that they are all [or all except A. B. and C. D.] properly taken care of, and may properly remain out of an asylum.

(a) See 26 & 27 Vict. c. 110. (b) See 28 & 29 Vict. c. 80.

I declare that the persons in the above list are to the best of my knowledge the only pauper lunatics in the district of the union of [or in the parish of ] who are not in an asylum, registered hospital, or duly licensed house.

(Signed) A. B.,

Medical officer of the district of the union  
[or parish] of

Dated the day of one thousand eight hundred  
and .

### 25 & 26 VICT. CHAP. 113.

AN ACT to amend the Law relating to the Removal of poor Persons from England to Scotland, and from Scotland to England and Ireland (c). [7th August, 1862.]

WHEREAS it is expedient that better means should be provided for the safe conveyance to the place of their destination in England, Ireland, or Scotland of poor persons who may be removed in pursuance of the Acts passed in the eighth and ninth years of the reign of Her present Majesty, chapter eighty-three, and chapter one hundred and seventeen, and in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-three: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

1. No application for a warrant (d) ordering the removal from any place in England to Scotland, or in Scotland to England or Ireland, of any poor person who shall have become chargeable in such place shall be heard and determined in England, except by two or more justices in petty sessions assembled, or by a stipendiary magistrate or metropolitan police magistrate sitting in his court; and in Scotland, except by the sheriff or any two justices of the peace of the county in which the parish is situated to which such poor person may have become chargeable, which justices or magistrate, and sheriff or justices (as the case may be) shall see such poor person, or the person who is the head of the family proposed to be removed, and shall be satisfied that every person who is proposed to be removed by the warrant is in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

2. Such warrant of removal shall be granted in England only on the application of the relieving officer, or other officer of the guardians of the union or parish, and in Scotland only on the application of the inspector of the poor of the parish or

Warrant of removal to Scotland to be signed by two justices or a magistrate, and to England or Ireland by the sheriff or two justices.

(c) As regards Irish paupers, see 24 & 25 Vict. c. 76, and 26 & 27 Vict. c. 89.

(d) See 8 & 9 Vict. c. 83, s. 77; 8 & 9 Vict. c. 117; and 10 & 11 Vict. c. 33, s. 1.

to be removed, and other particulars. combination, or other officer appointed by the parochial board of such parish or combination, where such poor person shall have become chargeable, and shall contain the name and reputed age of every person ordered to be removed by virtue of the same, and the name of the place in Scotland, or England, or Ireland (as the case may be), where the justices or magistrate, or sheriff or justices, shall find such person to have been born, or to have last resided for the space of five years in the case of a poor person to be removed to Scotland, and three years in the case of a poor person to be removed to England or Ireland, and a statement of such examination having been made as to the state of health of every person ordered to be removed as aforesaid; and such warrant shall be addressed to the party applying for the same, and in the case of a removal to Scotland, to the parochial board or inspector of the poor of the parish or combination to which such poor person is to be removed, and in the case of a removal to England or Ireland (as the case may be), to the guardians of the union or parish to which such person is to be removed, and a copy shall be given by and at the cost of the person applying for such warrant to the person or the head of the family about to be removed by virtue of it:

Provido. Provided that in the case of any native of England, Ireland, or Scotland where the justices or magistrate, or sheriff or justices (as the case may be), shall not be able to ascertain, upon the evidence before them, the place of birth or of such continued residence as aforesaid, they shall order the pauper to be removed to the port or union or parish in England or Ireland (as the case may be), or port or parish in Scotland, which shall, in the judgment of such justices or magistrate, or sheriff or justices (as the case may be), under the circumstances of the case be most expedient (a).

Copy of warrant to be sent to parish to which removal is to be made. 3. The person obtaining the warrant shall, at least twelve hours before the removal, send a copy of it by post to the inspector of the poor of the parish or combination in Scotland, and to the clerk of the board of guardians of the union or parish in England or Ireland (as the case may be), to which such poor person shall be ordered to be removed, and also a copy of the depositions taken in the case, if the same shall, at any time within three months from the date of the warrant, be required by any such board of guardians or parochial board.

Warrants shall order poor persons to be conveyed to the place mentioned in the warrant. 4. Such warrant shall order the removal of the poor person to be made to the place mentioned therein as aforesaid (b), and shall order the persons charged with the execution thereof to cause such poor person with his family (if any), to be safely conveyed to such place in England, Ireland, or Scotland (as the case may be), to be delivered in the case of a removal to Scotland, to the inspector of the poor of the parish or combination, and in the case of a removal to England or Ireland (c), at

(a) See 8 &amp; 9 Vict. c. 117, s. 4.

(b) See *ib.*, and *supra*, s. 2.

(c) See 24 &amp; 25 Vict. c. 76, s. 4.

the workhouse of such place or of the union or parish containing the port or place nearest to the place mentioned in the warrant as the place of the pauper's ultimate destination.

5. The master of the workhouse of the union or parish in England (*d*) or Ireland, and the inspector of the poor of the parish or combination in Scotland, to which (as the case may be) such warrant is addressed, shall be bound to receive delivery of the poor person named in such warrant, under a penalty of ten pounds for each case of refusal, which penalty may be recovered by the person applying for such warrant by an action in any county court in England, or court of quarter sessions in Ireland, or sheriff court in Scotland, or other competent court having jurisdiction in the place where such master or inspector is resident at the time when such action is brought.

Relieving officers and inspectors of poor to receive poor persons named in warrant, under penalty of 10*l*.

6. If by reason of default of the guardians, inspector of the poor, or other person having charge of such warrant, or otherwise, the poor person named therein shall not be removed to the place of ultimate destination, the guardians of the union or parish in England or Ireland, or parochial board of the parish or combination in Scotland (as the case may be), to which he has been removed, may, if they think fit, cause the pauper to be removed forthwith to the place mentioned in the warrant, and shall be entitled to be reimbursed the costs incurred in such removal by the guardians or parochial board (as the case may be), or other person on whose application the warrant was obtained, such costs being the actual expense incurred in and about the conveyance and maintenance of each person so removed, which costs may, if not paid on demand, be recovered by an action in any county court in England or Ireland, or sheriff court in Scotland, or other competent court having jurisdiction in the place from whence the removal shall have taken place (*e*).

Parochial boards and guardians may forward the pauper to the place of destination and recover the costs.

7. It shall be unlawful to remove any woman, or any child under the age of fourteen, as a deck passenger in any vessel from England to Scotland, or from Scotland to England or Ireland, during the period from the first of October to the thirty-first of March following, and no regulation of any sheriff, magistrate, or justices authorizing such removal shall be henceforth legal (*f*).

Persons not to be removed as deck passengers during the winter.

8. Section seventy-seven of the Act eighth and ninth Victoria, chapter eighty-three, in so far as inconsistent with the provisions of this Act, is hereby repealed (*g*).

Part of 8 & 9 Vict. c. 83, repealed.

9. Except so far as this Act shall alter the provisions of the said Acts (*h*), this Act shall be construed as part of the same.

Construction of this Act.

(*d*) See 9 & 10 Vict. c. 66, s. 7.

(*e*) See 24 & 25 Vict. c. 76, s. 5.

(*f*) See *ib.* c. 77, s. 6.

(*g*) See the last proviso to 8 & 9 Vict. c. 83, s. 77.

(*h*) *i.e.*, 8 & 9 Vict. c. 83; 8 & 9 Vict. c. 117; and 10 & 11 Vict. c. 33.

## 26 &amp; 27 VICT. CHAP. 33.

AN ACT for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.  
[29th June, 1863.]

\* \* \* \* \*

Union assess-  
ment com-  
mittee not to  
require the  
production of  
documents  
relating to the  
assessment of  
the income tax  
on concerns in  
the nature of  
trade.

22. Whereas the assessment committee provided for by “the County Rates Assessment Act,” section fifty-two, and by “the Union Assessment Committee Act, 1862,” respectively, are thereby empowered to require assessors, collectors, and other persons therein mentioned to make and transmit copies of or extracts from the books of assessment of any taxes or rates in their custody, and to produce such books as therein mentioned (*a*): Be it enacted that nothing in the said Act contained shall extend to authorize or empower the said committee to require any assessor, collector, or other person employed in the assessment or collection of the income tax to make or transmit or to permit any other person to make copies of or extracts from any assessment, rate, or rate book, or any document relating to the assessment or collection of the income tax upon profits of trade for or in respect of any quarries, mines, ironworks, gasworks, or other concerns in the nature of trade or manufacture chargeable under Schedule (A.) of the Income Tax Acts, or to attend before the said committee, to produce any such assessment, rate, or rate book, or other such document as aforesaid, or to be examined by or before such committee, touching or concerning the same.

\* \* \* \* \*

## 26 &amp; 27 VICT. CHAP. 65.

AN ACT to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

[21st July, 1863.]

\* \* \* \* \*

Appointment  
of storehouses  
for arms.

26. The commanding officer of a volunteer corps or administrative regiment, receiving any arms, ammunition, or other stores supplied at the public expense or by subscription, shall, subject to the approval of the lieutenant of the county to which the corps belongs, or in which the head quarters of the administrative regiment are situate (as the case may be), appoint a

(*a*) See 15 & 16 Vict. c. 81, s. 5; and 25 & 26 Vict. c. 103, s. 13.

proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores. Every such storehouse shall be free from all county, parochial, or other local rates and assessments. \* \* \*

\* \* \* \* \*

36. Any corporation, ecclesiastical or lay, sole or aggregate, any officer, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, or parochial purposes, may grant and from time to time renew any licence for the use, during any term not exceeding twenty-one years, by any volunteer corps, for the purposes of this part of this Act, of any land not exceeding four acres, vested in such corporation, officers, justices, trustees, or commissioners, subject to the following provisions :

\* \* \* \* \*

- (2.) That such a licence shall not be granted in respect of parochial property without the consent of the majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting convened according to the mode pointed out by the Act of the session of the fifth and sixth years of King William the Fourth (chapter sixty-nine), "to facilitate the conveyance of workhouses and other property of parishes, and of incorporations or unions of parishes, in England and Wales," and of the poor law commissioners, testified by their seal being affixed to the deed of grant, and of the guardians of the poor of the union within which the parish is comprised, or of the guardians of the poor of the parish where the administration of the relief of the poor therein is subject to a board of guardians, testified by such guardians being the parties to make the grant :

\* \* \* \* \*

- (5.) That, in the event of any land to which any such licence relates ceasing to be used for the purposes of this part of this Act, that licence shall thereupon cease absolutely.

\* \* \* \* \*

39. Any land purchased or acquired, or in respect of which any licence is granted under this part of this Act, shall be deemed to have ceased to be used for the purposes of this part of this Act where there has not been any such use by the corps by which the land was purchased or acquired, or to or for which the licence was granted, for a period of one year, and a certificate of the fact of such non-user is given by one of Her Majesty's principal secretaries of state ; and such certificate shall be conclusive evidence of such fact as against all persons and in all courts of justice.

\* \* \* \* \*

Proof of cesser of land being used for purposes of this part of Act.

## 26 &amp; 27 VICT. CHAP. 77.

AN ACT to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices.  
[28th July, 1863.]

\* \* \* \* \*

Amendment of  
sections 6 and  
35 of 11 & 12  
Vict. c. 43.

1. The thirty-fifth section of the principal Act (*a*) shall not apply to or control the sixth section of the same Act; and such last-mentioned section shall be construed as if the thirty-fifth section were not and never had been contained in the principal Act; and any acts done or orders made by justices previously to the passing of this Act which would have been valid if this Act had been passed at the respective dates of such acts being done or orders made shall be and are hereby declared to be valid accordingly.

## 26 &amp; 27 VICT. CHAP. 89.

AN ACT for the further Amendment of the Law relating to the Removal of Poor Persons, Natives of Ireland, from England.  
[28th July, 1863.]

WHEREAS it is expedient that the law for the removal of poor persons, natives of Ireland, from England, should be amended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

So much of  
24 & 25 Vict.  
c. 76, as au-  
thorizes con-  
veyances other  
than in war-  
rant repealed.

1. That so much of the fourth clause of the Act of the twenty-fourth and twenty-fifth years of the reign of Her Majesty, chapter seventy-six, as authorizes the conveyance of any poor person to any other place than that mentioned in the warrant of removal, shall, at the expiration of one month from the date hereof, be repealed.

Sect. 3 of  
8 & 9 Vict.  
c. 117, ex-  
tended to Ire-  
land.

2. Section three of the Act of the eighth and ninth years of Her Majesty, chapter one hundred and seventeen, shall be deemed to have applied, and to apply to Ireland as well as to England.

Sect. 4  
repealed.

3. Section four of the same Act is hereby repealed.

Penalty im-  
posed upon

4. Any person being employed in the execution of a warrant duly issued under the authority of the said Acts or either of them (*b*), who shall wilfully desert any person mentioned

(*a*) *i. e.*, 11 & 12 Vict. c. 43.

(*b*) See 8 & 9 Vict. c. 117, s. 3; and 26 & 27 Vict. c. 76, s. 4.

therein before he or she shall have been conveyed to the place of destination, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding ten pounds, and, in default of payment, to imprisonment for a term not exceeding three months.

5. Any person guilty of violating the provision contained in the sixth section of the Act of twenty-fourth and twenty-fifth Victoria, chapter seventy-six, shall be liable to a penalty not exceeding five pounds, to be recovered on a summary conviction before two justices or a police or stipendiary magistrate, and the offence shall be deemed to have been committed at the port where the poor person shall be landed.

Penalty for violating section 6 of 24 & 25 Vict. c. 76.

6. Instead of the forms set forth in the Schedule (C.) annexed to the said Act of the eighth and ninth Victoria, chapter one hundred and seventeen, the forms contained in the schedule hereunto annexed, or to the like effect, shall be sufficient in regard to poor persons removed to Ireland, with such changes in the names and descriptions of persons and places as the circumstances of the case may render necessary; and except where this Act makes any alteration it shall be deemed to be incorporated with Acts herein referred to.

New forms of warrant supplied.

7. If the board of guardians of any union in Ireland think themselves aggrieved by the removal of any poor person, and if they forward to the poor law commissioners for Ireland a statement of the grounds for concluding that such poor person is legally settled in any parish or township in England, or was not in law liable to be removed to Ireland, and if such board of guardians, or any person on their behalf, shall agree to pay all costs which may be incurred in any necessary preliminary inquiry, and in the appeal against the warrant for the removal of such poor person, such commissioners, if satisfied that it will be expedient to do so, may appoint some person to make a preliminary inquiry into the circumstances attending such removal, and after such inquiry may, if they think fit, appeal on behalf of the guardians so aggrieved to the court of quarter sessions held for the county or borough within which the parish or township from which such removal was made is situate, at any time within six months after such removal was completed; and such commissioners shall, at least twenty-one days before the holding of such sessions, send by post to the guardians or overseers on whose application such warrant was obtained, notice in writing purporting to be signed by their secretary or chief clerk of their intention to appeal against such warrant, containing a statement in writing of the grounds of such appeal, and such court of quarter sessions shall hear and determine such appeal; and if the warrant of removal be reversed or declared illegal by such court, the guardians or overseers on whose application the same was obtained shall pay the costs and expenses incurred by or on account of such board of guardians, both for the preliminary inquiry and the appeal, and for the maintenance of such poor person, and for

Institution of preliminary inquiry and appeal.

conveying such person back to the parish or township in England from which the removal was made; and if such guardians or overseers neglect or refuse to pay such costs and expenses within seven days after demand thereof, the guardians on whose behalf such appeal was made, or any person authorized by them, may recover the same as a debt in a court of law in England: Provided always, that the said guardians or overseers may, at any time after such notice of appeal, send by post notice in writing under the hands of any two or more of them to the said commissioners that they abandon such warrant, and thereupon such warrant shall be of no effect; and such guardians or overseers shall pay to the guardians on whose behalf such notice of appeal was given, or to some person authorized by them, the expenses incurred by them or on their account by reason of such warrant, and of the preliminary inquiry, and of any proceedings consequent thereon, and the actual expenses and charges of maintaining such poor person, and of conveying such poor person back to such parish or township, and if they do not pay the same within seven days after demand the same may be recovered as a debt in a court of law in England: Provided also, that if on the hearing of the appeal judgment shall be given against the appellants, the respondents shall be entitled to recover the costs which they have incurred in and about the appeal from such appellants.

## SCHEDULES.

### I.

FORM OF WARRANT where the removal is to be made to the place of birth or residence.

	To the guardians of the poor of the <sup>1</sup>	union
	[or parish], in the count	of
	To the guardians of the poor of the <sup>2</sup>	union,
	in the count	of in Ireland.
County <sup>3</sup>	{	At a petty session of Her Majesty's justices of
of		the peace for the county <sup>3</sup>
		of
		holden
		in and for the division of
	county <sup>3</sup>	at on the day of
		in the year of our Lord one thousand eight
		hundred and sixty-
		before us the under-
(to wit.)		signed, Her Majesty's justices of the peace for
		the said county. <sup>3</sup>

WHEREAS complaint is now made by the guardians of the poor of the union [or parish] in the count of that<sup>4</sup> hath become and is now chargeable to the parish<sup>5</sup> [\*of in the said union.]\*<sup>\*</sup>

And whereas the said<sup>4</sup> having been brought before us, and application having been made to us, in petty sessions assembled, by<sup>6</sup> the<sup>7</sup> [relieving] officer of the said guar-

dians, on their behalf, we have made due examination, on oath, and find that the said<sup>4</sup> is of the reputed age of years, and was born in Ireland, [and last resided for the space of three years\*] in the parish of in the county of now contained in the said union of<sup>2</sup> and hath not a settlement in England, and is not otherwise exempt from removal from the said<sup>1</sup> union [or parish].\* [And that he hath a wife, named of the reputed age of years, and<sup>8</sup> child named of the reputed age of which child<sup>9</sup> not exempt from removal from the said union [or parish]].

And we have seen the said<sup>4</sup> † [and his said wife and child ], and are satisfied that the said<sup>4</sup> † [and his wife and child ],<sup>9</sup> in such a state of health as not to be liable to suffer bodily or mental injury by the removal:

THESE are, therefore, to require you, the guardians of the poor of the union [or parish], to cause the said<sup>4</sup> [with his family], to be safely conveyed to the said union of<sup>5</sup> and to be delivered at the workhouse of such union.

Given under our hands and ( L. S.)  
seals, at the sessions ( L. S.)  
aforesaid. ( L. S.)

#### MEMORANDUM.

*Where the Warrant is issued by a Police Magistrate this Form must be modified accordingly.*

<sup>1</sup> Insert name of the union or parish in England.

<sup>5</sup> Or township.

<sup>2</sup> Insert name of the union in Ireland.

<sup>6</sup> Insert name of applicant.

<sup>3</sup> Riding or division, or city, or borough.

<sup>7</sup> If the applicant be not a relieving officer, *erase* relieving.

<sup>4</sup> Name of pauper.

<sup>8</sup> If more than one insert the number.

<sup>9</sup> Insert his or are.

\* Erase this passage when it is inapplicable.

† Where the head of the family is a woman, or a man without family, this passage must be modified accordingly.

NOTE.—A copy of this warrant is to be given to the person, if only one, or to the head of the family, if there be several persons about to be removed by virtue of it; and a copy is to be sent by post forthwith to the clerk of the board of guardians of the union in Ireland to which the poor person is ordered to be removed.

## II.

FORM of WARRANT when the removal is to be made to some place other than that of the birth or residence.

To the guardians of the poor of the <sup>1</sup>

union [*or parish*], in the count of

To the guardians of the poor of the <sup>2</sup>

union, in the count of in Ireland.

County <sup>3</sup>

of

(to wit.)

{ At a petty session of Her Majesty's justices of the peace for the county <sup>3</sup> of holden in and for the division of in the said county <sup>3</sup> at on the day of in the year of our Lord one thousand eight hundred and sixty-before us, the undersigned, Her Majesty's justices of the peace for the said county. <sup>3</sup>

WHEREAS complaint is now made by the guardians of the poor of the union [*or parish*] in the count of that <sup>4</sup> hath become and is now chargeable to the parish <sup>5</sup> [<sup>\*</sup> of in the said union ;]

And whereas the said <sup>4</sup> having been brought before us, and application having been made to us, in petty sessions assembled, by <sup>6</sup> the [*relieving*<sup>7</sup>] officer of the said guardians, on their behalf, we have made due examination, on oath, and find that the said <sup>4</sup> is of the reputed age of years, and was born in Ireland, <sup>\*</sup> but we are not able, upon the evidence before us, to ascertain the place in that country of his birth, or that he hath resided for the space of three years in any place therein, <sup>\*</sup> and we find that

he hath not a settlement in England, and is not otherwise exempt from removal from the said <sup>5</sup> union [*or parish*.]

† [And that he hath a wife named of the reputed age of years, and <sup>8</sup> child named of the reputed age of which child <sup>9</sup> not exempt from removal from the said union [*or parish*]].

And we have seen the said <sup>4</sup> † [and his said wife and child ], and are satisfied that the said <sup>4</sup> † and his wife and child ] <sup>9</sup> in such a state of health as not to be liable to suffer bodily or mental injury by the removal.

THESE are, therefore, to require you, the guardians of the poor of the <sup>5</sup> union [*or parish*], to cause the said <sup>4</sup> [with his family] to be safely conveyed to the port of in the said union of <sup>5</sup> and to be delivered at the workhouse of the said union, <sup>10</sup> which port is in our judgment, under the circumstances of the case, most convenient.

Given under our hands and seals at the sessions aforesaid. { \_\_\_\_\_ (L.S.)  
\_\_\_\_\_ (L.S.)  
\_\_\_\_\_ (L.S.)

## MEMORANDUM.

*Where the Warrant is issued by a Police Magistrate this Form must be modified accordingly.*

NOTE.—A copy of this warrant is to be given to the person, if only one, or to the head of the family, if there be several persons about to be removed by virtue of it; and a copy is to be sent by post forthwith to the clerk of the board of guardians of the union in Ireland to which the poor person is ordered to be removed.

<sup>1</sup> Insert name of the union in England. <sup>8</sup> If more than one, insert the number.

<sup>2</sup> Insert the name of the union in Ireland. <sup>9</sup> Insert is or are.

<sup>3</sup> Riding, or division, or city, or borough. <sup>10</sup> Where the pauper hath not resided twelve months in Ireland, erase the following words, and add, “to which port, we, with the consent of the guardians of the said union

<sup>4</sup> Name of pauper.

<sup>5</sup> Or township.

<sup>6</sup> Insert name of applicant.

of <sup>5</sup> think it fit that the said <sup>4</sup> should be sent.”

<sup>7</sup> If the applicant be not a relieving officer, *erase* relieving.

\* Or erase the passage between asterisks, and add, “and has not been absent therefrom more than twelve months.”

† Where the head of the family is a woman, or a man without a family, this passage must be modified accordingly.

## 26 &amp; 27 VICT. CHAP. 110.

AN ACT to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics.

[28th July, 1863.]

\* \* \* \* \*

1. Where in pursuance of “The Lunatic Asylums Act, 1853,” an agreement for providing a common asylum has been duly entered into between divers counties, properly so called and such agreement has been afterwards varied by the admission as a party thereto of a county of a city or county of a town, the original agreement shall be binding on the counties originally parties thereto, in the same manner as if no variation of such agreement had been made. Confirmation of certain agreements between counties.

2. Whereas by the eight section of “The Lunacy Acts Amendment Act, 1862,” it is provided to the effect that it shall be lawful for the visitors of any asylum, and the guardians of any parish or union within the district for which the asylum has been provided, to make arrangements, subject to such approval as therein mentioned, for the reception and care in the workhouse of the parish or union of a limited number of chronic lunatics to be selected as therein mentioned: And whereas doubts are entertained whether the expression “chronic lunatics” therein mentioned includes lunatics chargeable to parishes Explanation of section 8 of 25 & 26 Vict. c. 86.

or unions other than the parish or union into the workhouse of which they are proposed to be received: Now it is hereby declared, that the words "chronic lunatics" in the said section include chronic lunatics chargeable to other parishes or unions, as well as chronic lunatics chargeable to the parish or union into the workhouse of which they are proposed to be received (a).

Short title.

3. This Act may be cited for all purposes as "The Lunacy Acts Amendment Act, 1863."

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## 27 VICT. CHAP. 18.

AN ACT to grant certain Duties of Customs and Inland Revenue.  
[13th May, 1864.]

\* \* \* \* \*

Tea licence at reduced rate to be granted only on overseer's certificate of rating.

6. No licence to trade in or sell coffee, tea, cocoa-nuts, chocolate, or pepper at the reduced duty imposed by this Act on such licence shall be granted to any person who shall not produce, at the time of applying for such licence to the officers of excise authorized to grant the same, a certificate in writing, signed in England and Wales by an overseer of the poor, or in Scotland by an inspector of the poor, of the parish, township, or place, or in Ireland by the clerk of the poor law union, in which parish, township, place, or union the house intended to be licensed is situated, certifying the sum at which the said house is rated to the last rate made for the relief of the poor of such parish, township, place, or union; \* \* \*

Penalty on overseer, &c. refusing to grant certificate.

7. If any overseer of the poor, inspector of the poor, or clerk of a poor law union shall refuse to grant, when demanded, a certificate containing the particulars required by the preceding section, or shall grant a certificate which shall be false or untrue in any particular, he shall forfeit ten pounds.

\* \* \* \* \*

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## 27 & 28 VICT. CHAP. 29.

AN ACT to amend the Act Third and Fourth Victoria, Chapter Fifty-Four, for making further Provision for the Confinement and Maintenance of Insane Prisoners.

[23rd June, 1864.]

WHEREAS it is expedient to amend an Act passed in the session of the third and fourth years of Her Majesty's reign, chapter fifty-four, intituled "An Act for making further Provision for

3 & 4 Vict.  
c. 54.

(a) See 31 & 32 Vict. c. 122, s. 43.

the Confinement and Maintenance of Insane Prisoners:" Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. The first section of the said Act of the third and fourth years of Her Majesty's reign, chapter fifty-four, is hereby repealed. Sect. 1 of re-cited Act repealed.

2. If any person while imprisoned in any prison or other place of confinement under any sentence of transportation, penal servitude, or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any justice or justices of the peace, or under any other than civil process, shall appear to be insane, it shall be lawful, if such person is confined in a prison to which visiting justices are appointed, for two or more of the visiting justices of such prison, or if such person is in any other place of confinement, for two or more justices of the peace of the county, city, borough, or place in which such place of confinement is situate, and such visiting or other justices are hereby required to call to their assistance two physicians or surgeons, or one physician and one surgeon, duly registered as such respectively under the provisions of an Act passed in the session of the twenty-first and twenty-second years of Her Majesty's reign, chapter ninety, and to be selected by them for that purpose, and to inquire with their aid as to the insanity of such person; and if it shall be duly certified by such justices or any two of them, and such physicians or surgeons, or such physician and surgeon, that such person is insane, one of Her Majesty's principal secretaries of state may, upon receipt of such certificate, if he shall think fit, direct by warrant under his hand that such person shall be removed to such lunatic asylum or other proper receptacle for insane persons as the said secretary of state may judge proper and appoint; and if at any time it shall be made to appear to one of Her Majesty's principal secretaries of state that there is good reason to believe that any prisoner in confinement under sentence of death is then insane, either by means of a certificate in writing to that effect in the form given in Schedule A. transmitted to him by two or more of the visiting justices of the prison in which such prisoner under sentence of death is confined, or by any other means whatsoever, such secretary of state shall appoint two or more physicians or surgeons, duly registered as aforesaid, to inquire as to the insanity of such prisoner; and if on such inquiry the prisoner shall be found to be then insane, the fact shall be certified in writing by such persons to the said secretary of state, and on the receipt of such certificate the said secretary of state shall direct by warrant under his hand that such prisoner shall be removed to such lunatic asylum or other proper

Prisoners becoming insane, power to two justices to inquire, with medical aid, respecting such insanity.

If certified by justices and such medical aid that prisoner is insane, secretary of state may grant warrant for removal.

If secretary of state has reason to believe prisoner sentenced to death to be insane, he may desire medical aid to inquire into the same.

If prisoner afterwards pronounced sane how to be dealt with.

receptacle for insane prisoners as aforesaid ; and every person so removed under this Act, or already removed and in custody under any former Act relating to insane prisoners not under civil process, shall remain in confinement in such asylum or other proper receptacle as aforesaid, or in any other lunatic asylum or other proper receptacle to which such person may be removed by any like warrant which the secretary of state is hereby empowered to issue, if he shall think fit, until it shall be duly certified to the said secretary of state by two physicians or surgeons, or one physician and one surgeon, duly registered as aforesaid, that such person is sane, and upon the receipt of such last-mentioned certificate the said secretary of state is hereby authorized to issue a warrant under his hand directing, if the period of imprisonment or custody of such person shall have expired, that he or she shall be discharged, or if such person shall still remain subject to be continued in custody, that he or she shall be removed to any prison or other place of confinement in which he or she may be lawfully confined, to undergo his sentence of death or other sentence, or if not under sentence, to be dealt with according to law as if no such warrant for his removal to a lunatic asylum had been issued : Provided, that nothing in this Act contained shall be construed to repeal the thirty-eighth section of the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter ninety-six, or any part thereof.

Prisons placed under directors of convict prisons to be deemed prisons to which visiting justices are appointed, and directors to be deemed the visiting justices.

3. All prisons which now are or may hereafter be placed under the government of the directors of convict prisons, by virtue of the Act of the thirteenth and fourteenth years of Her Majesty's reign, chapter thirty-nine, or of any other Act now in force or which may hereafter be passed, shall for the purposes of this Act be deemed to be prisons to which visiting justices are appointed, and the said directors shall be deemed the visiting justices thereof, and the duties and powers hereinbefore imposed upon and given to any two or more of such visiting justices shall and may be performed and exercised by any one or more of such directors.

Provisions of 3 & 4 Vict. c. 54 not hereby repealed, and of 23 & 24 Vict. c. 75 to apply to this Act.

4. All the provisions of the first-mentioned Act which are not hereby repealed, and all the provisions of an Act passed in the session of the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act to make better Provision for the Custody and Care of Criminal Lunatics," shall apply to lunatics removed under this Act in all respects as if they had been removed under the first section of the first-mentioned Act, and as if the asylum to which they were removed under this Act were any asylum for criminal lunatics to which the provisions of the said Act of the twenty-third and twenty-fourth years of Her Majesty's reign were applicable.

The charge and main-

5. Where any order shall have been or shall hereafter be made upon the guardians of any union formed under the pro-

visions of the Act fourth and fifth William the Fourth, chapter seventy-six, for the payment of money under section two of the said first-mentioned Act, the amount which shall be paid under such order shall be charged by the guardians upon the common fund of the union, and not to the account of any parish therein (a); and the power given to the justices to order the seizure and sale of the goods and chattels, or the receipt of the rents of the lands or tenements, of any insane person therein referred to, shall cease as regards the overseers, but shall apply to the guardians of the union who shall have incurred any expenses under any such order of justices as aforesaid.

tenance of insane prisoners to be borne by the common fund of the union.

6. So much of section five of the said first-mentioned Act as enables the overseers of any parish in a union to appeal against an order of justices adjudicating as to the settlement of any insane person is hereby repealed.

So much of sect. 5 of 3 & 4 Vict. c. 54, as enables overseers to appeal, repealed. Extent of Act.

7. This Act shall extend to England and Wales only.

#### SCHEDULE A.

We                      being visiting justices of                      hereby certify  
under our hands that we believe                      a prisoner in the said  
prison of                      under sentence of death, to be now insane.

#### 27 & 28 VICT. CHAP. 39.

AN ACT to amend the Union Assessment Committee Act (1862) (b). [14th July, 1864.]

WHEREAS it is expedient to amend the Union Assessment Committee Act, 1862, in regard to appeals against poor rates, and to make further provisions for securing correct and uniform valuations of the property liable to be assessed to the relief of the poor: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

1. Before any appeal shall be heard (c), by any special or quarter sessions against a poor rate made for any parish contained in any union to which the Union Assessment Committee Act, 1862, applies, the appellant shall give twenty-one days notice (d) in writing previous to the special or quarter sessions to which such appeal is to be made, of the intention to appeal, union.

(a) See 24 & 25 Vict. c. 55, s. 6.

(c) See 17 Geo. 2, c. 38, s. 4.

(b) See 32 & 33 Vict. c. 67, as to the metropolis.

(d) See 12 & 13 Vict. c. 45, s. 1; and 25 & 26 Vict. c. 103, s. 42.

and the grounds thereof, to the assessment committee of such union: Provided, that after the first day of August next no person shall be empowered to appeal to any sessions against a poor rate made in conformity with the valuation list approved of by such committee, unless he shall have given to such committee notice of objection against the said list, and shall have failed to obtain such relief in the matter as he deems just; and which objection, after notice given at any time in the manner prescribed by the said Act with respect to objections (a), the committee shall hear, with full power to call for and amend such list, although the same has been approved of, and no subsequent list has been transmitted to them, and if they amend the same shall give notice of such amendment to the overseers, who shall thereupon alter their then current rate accordingly (b).

(a) See 25 & 26 Vict. c. 103, ss. 18, as to the metropolis, and sect. 77, and 19, 42; and 32 & 33 Vict. c. 41, s. 13. Sch. 5 of that Act, which repeal this

(b) See 32 & 33 Vict. c. 67, s. 34, section as regards the metropolis.

#### NOTICE OF OBJECTION.

*Decisions on  
sect. 1.*

Notice of objection to the assessment committee before appealing must be given in respect of every separate rate, though made according to the same valuation list: *Reg. v. Great Western Railway Company*, 20 L. T. (N. S.) 481; 38 L. J. M. C. 89; L. R. 4 Q. B. 323; 10 B. & S. 318.

If there has been an objection to the valuation list, and that has failed to produce the relief to which the person objecting thinks himself entitled, although some alteration may have been made, such objection is sufficient: *Reg. v. Derbyshire JJ.*, 25 L. T. (N. S.) 43.

#### APPEAL—NEXT SESSIONS.

A poor rate was made for a parish, and published on May 30th. On the 11th June, L. gave notice of objection to the union assessment committee. The committee, at its next meeting on the 30th June, refused to grant him relief. The Midsummer quarter sessions for the county were held on the same day. L. appealed to the Michaelmas sessions, and the justices allowed the appeal to be entered: Held, that L. could not be said to have failed to obtain relief from the committee until June 30th; that he would not have been right in giving notice of appeal to the sessions until he had so failed; that as L. was, under the circumstances, prevented by sect. 1 from appealing to the Midsummer sessions, it was not too late for him to appeal to the Michaelmas sessions: *Reg. v. Biggleswade*, 21 L. T. (N. S.) 494.

An assessment committee refused the appellants relief against a rate on the 3rd August; the next sessions of the borough in which the rate was made, took place on the 1st September; at the following sessions, on the 26th October, the appellants applied to enter an appeal against the rate, and the recorder granted the application, on the ground that the sessions of the 1st September were not the next practicable sessions; seven days being, in his opinion, insufficient time for the appellants to determine whether or not to give notice of appeal to the assessment committee under 27 & 28 Vict. c. 39, s. 1. Upon a rule for a prohibition, it was held that as this was a question of fact upon which the recorder's jurisdiction was based, the court had power to review his decision, and that he was wrong. Per Smith, J. —I wish to say that I think a week is long enough in this particular case; but I do not desire to lay it down that in every case no longer time ought to be allowed: *Reg. v. Recorder of Liverpool*, 23 L. T. (N. S.) 813;

2. The assessment committee of such union may, with the consent of the guardians of such union, after notice shall have been sent to every guardian, appear as respondents to such appeal, but in the name of the guardians of such union, in like manner, and with the same incidents, and subject to the same liabilities, and entitled to the same remedies and rights, as in the case of persons other than the overseers to whom notice of appeal may be given (c). Committee may, with consent of guardians, be co-respondents.

3. The costs which the committee may incur in consequence of becoming respondents to such appeal, or of having received notice thereof, shall, if not recovered from the appellants (d), as well as any costs the committee may be ordered to pay to the appellants, be paid by the guardians and charged to the common fund of the union, unless the court before whom such appeal is heard shall direct that such costs, or any part thereof, shall be charged to the parish, the rate of which is appealed against. Provision as to costs of committee on appeals.

4. Where a valuer is appointed by the assessment committee he shall make his valuation in writing, showing the particulars of the several hereditaments comprised therein, and the amounts at which he has valued the same respectively, and shall sign such valuation, which shall be open to inspection in like manner and with the same incidents with respect to the taking of copies or extracts as the minute books of the committee (a). Valuation to be made in writing.

(c) See 17 Geo. 2, c. 38; 41 Geo. 3, c. 3, s. 6; 6 & 7 Will. 4, c. 96, s. 7; and 12 & 13 Vict. c. 45, s. 5. (d) See 12 & 13 Vict. c. 45, s. 5.  
(e) See 25 & 26 Vict. c. 103, s. 11; and 5 & 6 Vict. c. 57, s. 15.

#### APPEAL—NEXT SESSIONS—continued.

35 J. P. 186; S. C. *Liverpool United Gas Light Company v. Everton*, Decisions on 40 L. J. M. C. 104; L. R. 6 C. P. 414. sect. 1.

#### APPEAL—RIGHT TO BE HEARD.

M., a ratepayer, objected before the assessment committee, that he was overrated, and that A., B. and C. were underrated. The committee heard the objection as to his own rate, and refused to alter it. They then heard the objection as to A.'s rate, and made only a slight alteration. M. thereupon refused to go on with the other objections as to B. and C. On appeal to the quarter sessions, they refused to hear him: Held, that M. was entitled to be heard upon his appeal to quarter sessions as to his own rate, and A.'s rate, but not as to the others: *Reg. v. Kent JJ.*, 35 J. P. 454; L. R. 6 Q. B. 132; 40 L. J. M. C. 76.

#### VALUATION CONTRACT.

A valuer who had in pursuance of a contract with overseers made a valuation under 25 & 26 Vict. c. 103, s. 14, was not compellable to revalue under the provisions of the 27 & 28 Vict. c. 39, s. 4, though that Act passed before his valuation was finally completed: *Reg. v. Cobb*, 13 L. T. (N. S.) 802. Decision on sect. 4.

Notice of assessment to be given to certain companies.

5. Within fourteen days after the transmission to the assessment committee of any valuation or supplemental valuation list the committee shall give notice to every railway, telegraph, canal, gas, and water company named in such list as the occupier of any property included therein, and not having any office or place of business in the parish to which such list relates, of the sum or sums set down as the rateable value of the property purporting to be occupied by such company or companies, and such notice may be served by being transmitted through the post to the principal office of the company, or one of their principal offices when there shall be more than one.

Justices in certain cases not disqualified for hearing appeals.

6. No justice of the peace shall be disqualified for acting in the determination of any appeal against a poor rate at any quarter or special sessions by reason of such justice being rated, or being liable to be rated, in some other parish in the union than that for which the rate appealed against is made (b).

Expenses of overseers in certain cases incurred with consent of vestry or allowed by assessment committee may be charged on poor rates.

7. When the overseers of any parish incur any expense in making out any valuation list (c) or supplemental list (d), or in revising or valuing any of the rateable hereditaments of such parish, under the provisions of the Union Assessment Committee Act, 1862, with the consent of the vestry given by express resolution, after due notice, they may charge such expense, so far as the same may be authorized by the vestry, upon the poor rate; and if no vestry meeting be held, or no decision arrived at on the subject, then to the extent which the assessment committee shall allow: Provided that, as regards the valuation of the property, no expense shall be so charged upon the poor rate unless the consent of such committee to the procuring of such valuation by the overseers shall have been given previously to the same being made.

Power to guardians, with the order of the poor law board, to borrow money for valuation expenses.

8. If the assessment committee order a valuation, with the consent of the board of guardians, to be made of all the rateable hereditaments of any parish (e), the guardians of the union may, if they think fit, apply to the poor law board for an order to enable them to borrow the requisite amount to pay the cost of such valuation; and if the said board shall issue their order, the said guardians may borrow the same, and charge the poor rates of the several parishes in the union with the repayment of the same by not more than five equal annual instalments (f); and where the parish for which the valuation is made shall, by reason of any provision in the said Union Assessment Committee Act (g) or this Act, be liable to pay the cost of such valuation, the said guardians shall charge the annual

(b) See 16 Geo. 2, c. 18; and 5 & 6 Vict. c. 57, s. 15.

(c) See 25 & 26 Vict. c. 103, s. 14.

(d) See 25 & 26 Vict. c. 103, ss. 26, 28.

(e) See 25 & 26 Vict. c. 103, ss. 16, 20, 26.

(f) See 14 & 15 Vict. c. 105, s. 7; and 22 & 23 Vict. c. 49, s. 3.

(g) See 25 & 26 Vict. c. 103, s. 29.

instalments, and the interest payable therewith, to such parish, and may recover the same as and with the usual contributions.

9. The clerk of every assessment committee shall send annually in the month of December copies of the totals of the gross estimated rental and rateable value of the property included in the valuation lists of the several parishes within the union, and where such totals have been altered by any supplemental valuation list or lists then of such totals as altered, to the clerk or respective clerks of the peace of the county or counties within which such parishes respectively may be situate (*h*). Clerks of assessment committees to furnish clerks of the peace with totals of valuation lists.

10. If there be no map or plan of any parish available for the use, or sufficient for the purposes of the assessment committee, the committee may, with the consent of the guardians, after notice as aforesaid, and under the authority of an order of the poor law board, appoint a competent person to make a map or plan of such parish, and the cost thereof shall be charged either to the common fund, or to the parish, as may be directed by the poor law board. Power to poor law board to order map or plan to be made.

11. Any overseer who wilfully omits to make the declaration required to be made by the Union Assessment Committee Act, 1862 (*i*), or makes the same falsely, knowing the same to be untrue, shall be liable for every such offence to a penalty not exceeding five pounds, upon a summary conviction for the same before two justices of the peace (*k*). Penalty on overseers omitting to make declaration or making false declaration.

12. The provisions of the Union Assessment Committee Act, 1862, shall, so far as the same are not contrary hereto, be incorporated herewith, and the terms used herein shall be construed in like manner as in that Act (*l*). 25 & 26 Vict. c. 103 incorporated herewith.

13. This Act may be cited as "The Union Assessment Committee Amendment Act, 1864." Short title.

## 27 & 28 VICT. CHAP. 42.

AN ACT to provide for Superannuation Allowances to Officers of Unions and Parishes.

[14th July, 1864.]

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to officers of unions and parishes who become disabled by infirmity or age to discharge the duties of their offices: Be it therefore enacted by the Queen's most excellent Majesty, by and with the

(*h*) See 15 & 16 Vict. c. 81; and 29 & 30 Vict. c. 78. This section is, as regards the metropolis, repealed by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*i*) See 25 & 26 Vict. c. 103, ss. 28, 40.

(*k*) Repealed as regards the metropolis by 32 & 33 Vict. c. 67, s. 77, and Sch. 5.

(*l*) See 25 & 26 Vict. c. 103, s. 1.

advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Power to guardians and trustees, with consent of poor law board, to grant superannuation allowances to officers in certain cases.

1. That the guardians of any union or parish, and the trustees or overseers of any parish appointed or incorporated under a local Act, may, at their discretion, with the consent of the poor law board, grant to any officer (*a*) whose whole time has been devoted to the service of the union or parish (*b*), and who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, whether computed according to a fixed sum or to a poundage, and shall charge such allowance to the same fund as that to which such salary would have been charged if he had continued in his office.

Such allowances not to be assignable.

2. This allowance shall be payable to or in trust for such officer only, and shall not be assignable nor chargeable with his debts or other liabilities.

Limitation of grants of allowances.

3. No officer shall be entitled to such allowance on the ground of age who shall not have completed the full age of sixty years, and shall not have served as an officer of some union or parish for twenty years at the least.

Notice of grant to be given to guardians.

4. No grant shall be made without one month's previous notice, to be specially given in writing to every guardian of the union or parish and to every member of the board of trustees or overseers (as the case may be), of the proposal to make such grant, and the time when it shall be brought forward.

Interpretation of words herein used.

5. The words herein used shall be interpreted in the manner prescribed by the Statute of the fourth and fifth years of William the Fourth, chapter seventy-six (*c*), and the subsequent Acts amending or explaining the same.

## 27 & 28 VICT. CHAP. 101.

AN ACT to amend the Act for the better Management of Highways in England.  
[29th July, 1864.]

\* \* \* \* \*

Definition of "poor law parish," "highway parish," and

3. "Poor law parish" shall mean a place that separately maintains its own poor (*d*):

"Highway parish" shall mean a place that after the constitution of a highway district separately maintains its own

(*a*) See 29 & 30 Vict. c. 113, ss. 1, 2, 3. 33 & 34 Vict. c. 23, s. 2; and 33 & 34 Vict. c. 94, s. 1.

(*b*) See *ib.* s. 2; 30 & 31 Vict. c. 106, s. 19; 33 Vict. c. 2, s. 9; (*c*) See 4 & 5 Will. 4, c. 76, s. 109.

(*d*) See 28 & 29 Vict. c. 79, s. 1; and 29 & 30 Vict. c. 113, s. 18.

highways, and is entitled to return a waywarden or way-wardens to the highway board of the district: "highway rate."

"Highway rate" shall include any rate, whether poor rate or not, out of the produce of which monies are payable in satisfaction of precepts of a highway board.

\* \* \* \* \*

26. Any notice in respect of which no other mode of service is provided by the highway board in pursuance of powers in that behalf conferred on them, and any precept, summons, or order issued by the highway board, may be served,— As to service of notices issued by highway board.

By delivery of the same personally on the party required to be served; or

By leaving the same at the usual or last-known place of abode of such party as aforesaid; or

By forwarding the same by post as a prepaid letter addressed to the usual or last-known place of abode of such party.

In proving service of a document by post it shall be sufficient to prove that the document was properly directed, and that it was put as a prepaid letter into the post-office; and in serving notice on the overseers or the waywardens (if more than one) of any parish it shall be sufficient to serve the same on any one of such officers in a parish.

\* \* \* \* \*

#### *As to Expenses of Board.*

32. Sections twenty, twenty-one, twenty-two, twenty-three, and twenty-four of the "Highway Act, 1862," relating to the expenses of the board, shall be repealed, but such repeal shall not affect any rate made previously to the passing of this Act, or any legal proceeding or remedy for enforcing the same. Repeal of sections 20, 21, 22, 23, and 24 of Highway Act, 1862.

The salaries of the officers appointed for each district, and any other expenses incurred by any highway board for the common use or benefit of the several parishes within such district, shall be annually charged to a district fund to be contributed by and charged upon the several highway parishes within such district in proportion to the rateable value of the property in each parish, but the expenses of maintaining and keeping in repair the highways of each highway parish within the district, and all other expenses legally payable by the highway board in relation to such parish, including any sums of money that would have been payable out of the highway rates of such parish if the same had not become part of a highway district, except such expenses as are in this Act authorized to be charged to the district fund, shall be a separate charge on each parish. Expenses how to be charged.

The rateable value of the property in each parish shall be ascertained according to the valuation list or other estimate for the time being in force in such parish for the purposes of the poor rate; or if no such valuation list or estimate be in force,

then in such manner as may be determined by the justices in petty sessions, subject to an appeal by any person aggrieved to the next general or quarter sessions.

Mode of  
defraying  
expenses of  
the highway  
board.

33. For the purpose of obtaining payment from the several highway parishes within their district of the sums to be contributed by them, the highway board shall order precepts to be issued to the waywardens or overseers of the said parishes according to the provisions hereinafter contained, stating the sum to be contributed by each parish, and requiring the officer to whom the precept is addressed, within a time to be limited by the precept, to pay the sum therein mentioned to the treasurer of the board.

Where a highway parish is not a parish separately maintaining its own poor, or where in any highway parish it has, for a period of not less than seven years immediately preceding the passing of the "Highway Act, 1862," been the custom of the surveyor of highways for such parish to levy a highway rate in respect of property not subject by law to be assessed to poor rates, the precept of the highway board shall be addressed to the waywarden of the parish, and in all other cases it shall be addressed to the overseers.

Where the precept is addressed to a waywarden, he shall pay the sum thereby required out of a separate rate, and such separate rate shall, in the case of a parish in which for such period aforesaid it has been the custom of the surveyor of highways to levy a highway rate in respect of property not subject by law to be assessed to poor rate, be assessed on and levied from the persons and in respect of the property on, from, and in respect of which the same has been assessed and levied during such period as aforesaid, and in all other cases such rate shall be assessed on and levied from the persons and in respect of the property on, from, and in respect of which a poor rate would be assessable and leviable if the parish of which he is waywarden were a place separately maintaining its own poor (a).

No rate leviable by a waywarden under this Act shall be payable until the same has been published in manner in which rates for the relief of the poor are by law required to be published.

A waywarden shall account to the highway board for the amount of all rates levied by him, and at the expiration of his term of office shall pay any surplus in his hands arising from any rate so levied, above the amount for which the rate was made, to the treasurer of the highway board, to the credit of the parish within which such rate was made, and such surplus shall go in reduction of the next highway rate that may be leviable in such parish.

Where the precept is addressed to the overseers they shall

(a) See 43 Eliz. c. 2, s. 1; 3 & 4 Will. 4, c. 30, s. 1; and 32 & 33 Vict. c. 40, ss. 1, 2.

pay the sum thereby required out of a poor rate to be levied by them, or out of any monies in their hands applicable to the relief of the poor.

No contribution required to be paid by any parish at any one time in respect of highway rates shall exceed the sum of tenpence in the pound, and the aggregate of contributions required to be paid by any parish in any one year in respect of highway rates shall not exceed the sum of two shillings and sixpence in the pound, except with the consent of four-fifths of the ratepayers of the parish in which such excess may be levied present at a meeting specially called for the purpose, of which ten days previous notice has been given by the waywarden of such parish, and then only to such extent as may be determined by such meeting.

All sums of money payable in pursuance of the precepts of a highway board shall, whether they are or not payable by the overseers of the poor, be subject to all charges to which ordinary highway rates are subject by law.

34. All waywardens and overseers to whom precepts of a highway board are hereby directed or authorized to be issued shall within their respective parishes have the same powers, remedies, and privileges, for and in respect of assessing and levying any rates required to be levied for making payments to a highway board, in the case of overseers, as they have in assessing and levying ordinary rates for the relief of the poor, and in the case of waywardens as they would have if the parish of which they are waywardens were a place separately maintaining its own poor, and they were overseers thereof, and the rate to be levied by them were a duly authorized poor rate.

Power to levy rates for making payments to highway board.

35. If any payment required to be made by the overseers or waywardens of any parish of monies due to a highway board is in arrear, it shall be lawful for any justice, on application under the hand of the chairman for the time being or by the clerk of such board, to summon the said overseers or waywardens to show cause at petty sessions why such payment has not been made; and the justices at such petty sessions, after hearing the complaint preferred on behalf of the board, may, if they think fit, cause the amount of payment in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or waywardens, or any of them, in like manner as monies assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs aforesaid, when levied and recovered, to be paid to the said board.

Mode of enforcing payments to highway boards.

\* \* \* \* \*

## 27 &amp; 28 VICT. CHAP. 105.

AN ACT to explain the Statutes of Her present Majesty for amending the Laws relating to the Removal of the Poor.

[29th July, 1864.]

24 & 25 Vict.  
c. 55.

WHEREAS it is enacted in the first section of the statute of the twenty-fifth year of the reign of Her present Majesty, chapter fifty-five, that after the twenty-fifth day of March then next the period of three years should be substituted for that of five years specified in the first section of the statute ninth and tenth Victoria, chapter sixty-six, and that the residence of a person in any part of a union should have the same effect in reference to the provisions of the said section as a residence in any parish; And whereas doubts exist as to the proper meaning of this latter provision, and it is desirable to remove the same: Be it therefore declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

Residence in the parish of a settlement not to be excluded in the computation of period of residence.

Not to apply to orders executed.

Construction of Act.

1. That in the case of any poor person heretofore chargeable or hereafter becoming chargeable in any parish comprised in a union not being the parish of his settlement, the period of time during which he shall have resided in the parish of the settlement, if in the same union, shall not be excluded in the computation of the time of residence required to render him exempt from removal under the statutes above referred to.

2. Nothing herein contained shall apply to any order of removal made and executed before the passing of this Act.

3. The words of this Act shall be construed in the same manner as the said first-mentioned Act.

## 27 &amp; 28 VICT. CHAP. 110.

AN ACT for the Amendment of the Law relating to the Mitigation of Penalties.

[29th July, 1864.]

WHEREAS by various public Acts of parliament penalties are imposed in respect of certain offences, and it is provided that such penalties are not to be reduced below the limits in such

## RESIDENCE IN DIFFERENT PARISHES IN THE SAME UNION.

Decision on  
sect. 1.

Where three parishes were in the same union, and a pauper was settled in one of them (A.), and resided for three years in another (B.), and for two in the third (C.), and was, after the 27 & 28 Vict. c. 105, removed from C. to A., it was held that he was wrongly so removed, as by the operation of the 27 & 28 Vict. c. 105, he was not removable: *Reg. v. Bolton le Sands*, 13 L. T. (N. S.) 523; 35 L. J. M. C. 54; 12 Jur. (N. S.) 371.

Acts specified: And whereas the provisions of the said public Acts are contravened by special enactments introduced into certain local Acts, empowering the justices or court having cognizance of offences in certain localities to mitigate all penalties in respect of such offences: And whereas it is expedient to prevent such contravention as aforesaid of the general law: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

1. Where any public Act of parliament provides that in respect of any offence therein mentioned a penalty is to be imposed of not less than a particular sum of money, or of not less than a certain term of imprisonment or other punishment therein specified, it shall not be lawful for the justices or court having cognizance of such offence to mitigate such penalty below the limit specified in that Act of parliament, in pursuance of any power of mitigating penalties conferred on such justices or court by any local or private Act of parliament.

Justices prohibited from mitigating penalties under general powers of local Act.

2. This Act may be cited for all purposes as "The Limited Penalties Act, 1864."

Short title.

## 27 & 28 VICT. CHAP. 116.

AN ACT to make Provision for distributing the Charge of Relief of certain Classes of Poor Persons over the whole of the Metropolis (a).

[29th July, 1864.]

WHEREAS it is expedient that provision should be made for distributing the charge of the relief of certain poor persons in the metropolis during the ensuing winter otherwise than is now lawful: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same:

\* \* \* \* \*

3. The relief to which this Act shall apply shall include food and articles of necessity supplied by the said guardians, or by their relieving or other officer, or by any metropolitan police constable authorized by them in such behalf, and also the cost of lodging or shelter hired or temporarily provided for any such poor person, but not money given to him.

What relief to be reimbursed.

4. Where the guardians shall have provided proper wards or other places of reception for this class of poor, and the same shall have been approved of by the poor law board, they may include as part of the expense incurred by them in the relief of these poor persons such sum in respect of each pauper as the poor law board shall from time to time allow for the

Provision for the case where vagrant wards established.

cost and expense of temporarily providing and maintaining such wards or other places (a).

Guardians to provide proper casual wards.

5. Where no adequate accommodation exists, the guardians shall provide within their respective unions or parishes such wards or other places of reception for destitute wayfarers and foundlings as the poor law board, having regard to the number of persons likely to require relief therein respectively, shall direct. In default of making such provision, and until the same has been made, the guardians of the union or parish so making default shall not be entitled to the benefit of this Act.

\* \* \* \* \*

Interpretation of words.

7. The several words used in this Act shall be construed as in the Act of the fourth and fifth William the Fourth, chapter seventy-six, and the subsequent Acts explaining and extending the same, and the provisions thereof not inconsistent with anything herein contained, shall be incorporated herewith.

Short title.

8. This Act may be cited for all purposes as the "Metropolitan Houseless Poor Act, 1864."

28 VICT. CHAP. 34.

AN ACT to make the Metropolitan Houseless Poor Act perpetual (b). [2nd June, 1865.]

27 & 28 Vict. c. 116.

WHEREAS it is expedient that the provisions of "The Metropolitan Houseless Poor Act, 1864," should be made perpetual: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Provisions of recited Act extended to relief after Lady Day 1865. Section 6 repealed.

1. That the provisions of the said Act shall be extended to the expenditure for relief of destitute wayfarers, wanderers, and foundlings, or other destitute persons, in the several unions and parishes referred to in the said Act, relieved and to be relieved from and after Lady Day one thousand eight hundred and sixty-five; and the sixth section of the said Act is hereby repealed.

Poor law board to have wards inspected, and may revoke and renew certificate.

2. The poor law board shall from time to time cause the wards and other places of reception provided according to the said Act to be inspected not less than once in every four months, between the hours of six o'clock in the evening and eight in the morning in the months between October and March inclusive, and between the hours of eight o'clock in the evening and eight in the morning in the months between April and September inclusive; and the results of such inspections

(a) See 28 Vict. c. 34, s. 3. (b) See 30 Vict. c. 6, s. 69 (9).

shall be reported to the poor law board, who may at any time revoke and renew the certificates granted or to be granted under the first section of that Act.

3. The said board may allow for the costs and expenses referred to in the fourth section of that Act, when they shall see fit to do so, a sum or several sums in gross instead of a sum in respect of each pauper as therein provided. Allowance may be made for providing wards.

4. Any constable of the metropolitan police or of the police of the city of London may personally conduct any destitute wayfarer, wanderer, or foundling, or other destitute person, not having committed or being charged with any offence punishable by law, within the knowledge of such constable, to any wards or other places of reception approved of by the poor law board under the said Act or this Act; and every such wayfarer, wanderer, or foundling shall, if there be room in such wards or other places of reception, be temporarily relieved therein. Power to police to provide for temporary relief.

5. The wards or places of reception provided under the said Act shall be open for the admission of destitute wayfarers, wanderers, and foundlings, or other destitute persons, who shall apply to, be admitted during the hours between six o'clock in the evening and eight in the morning in the months between October and March inclusive, and during the hours between eight o'clock in the evening and eight o'clock in the morning in the months between April and September inclusive; and the guardians shall be entitled to be reimbursed for all relief administered in conformity with the provisions of that Act during those hours respectively. Hours during which wards shall be open for admission.

6. This Act may be cited for all purposes as “The Metropolitan Houseless Poor Act, 1865.” Short title.

### 28 VICT. CHAP. 36 (a).

AN ACT to amend the Law relating to the Registration of County Voters, and to the Powers and Duties of Revising Barristers in certain Cases.  
[2nd June, 1865.]

WHEREAS it is expedient to amend an Act passed in the session of parliament holden in the sixth and seventh years of the reign of Her Majesty, intituled “An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales,” so far as relates to the registration of county voters, and to the powers and duties of revising barristers: Be it enacted by the Queen’s most excellent Majesty, by and

(a) See 31 & 32 Vict. c. 58.

with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

- Short title.

1. This Act may be cited as “ The County Voters Registration Act, 1865,” and shall be construed with and as part of the said recited Act, hereinafter termed “ the Principal Act.”
- Clerk of peace to deliver precept to overseers of poor on or before 10th June in every year.

2. The clerk of the peace shall, on or before the tenth day of June in every year, make and cause to be delivered to the overseers of the poor of every parish and township within his county his precept according to the Form No. 1 in Schedule (A.) to this Act, instead of the precept numbered 1 in Schedule (A.) to the principal Act, together with the forms of notices, list, and copies of register in the principal Act mentioned.
- Overseers to publish register.

3. The clerk of the peace of every county shall, together with the precept, transmit to the overseers of every parish or township within such county a sufficient number of copies of the part or parts of the register relating to such parish or township ; and the overseers of the poor of every parish and township shall, on or before the twentieth day of June in every year, and at the same time with the publication of the notice mentioned in the fourth section of the principal Act, publish a copy of the register then in force relating to their parish or township, and shall remove the same after a period including two Sundays at least, and not later than the twentieth day of July.
- 20th August last day for giving notices of objection.

4. The twentieth day of August shall be the last day for giving notices of objection to the overseers and to the person objected to ; and the seventh section of the principal Act shall be read as if the word “ twentieth ” had been substituted therein for the word “ twenty-fifth.”
- 1st September last day for delivery of papers to clerk of peace.

5. The first day of September shall be the last day for the delivery, by the overseers, to the clerk of the peace, of the papers mentioned in the ninth section of the principal Act ; and such section shall be read as if the words “ first day of September ” had been substituted therein for the words “ twentieth day of August.”
- Grounds of objection to be specified in notice.

6. Any notice of objection to any person on the list of claimants for any parish or township may be given according to the provisions of the seventh section of the principal Act, but with that exception no notice of objection given under the provisions of the said seventh section, other than a notice to the overseers, shall be valid, unless the ground or grounds of objection be specifically stated therein ; and this provision shall be deemed to be sufficiently satisfied by naming the column or columns of the list on which the objector grounds his objection : Provided always, that if the objection be grounded on the third column, then it shall be necessary to state in the notice whether the objection relates to the nature of the voter’s

interest in the qualifying property, or to the value of the qualifying property, or to both; and each of such last-mentioned grounds of objection shall be deemed a separate ground of objection, as well as any objection grounded on any one of the other columns; and such last-mentioned notice may be according to the form numbered 2 in Schedule (A.) to this Act, or to the like effect, in substitution for the form numbered 5 in Schedule (A.) to the principal Act.

\* \* \* \* \*

12. No court shall be holden by a revising barrister for the revision of the lists of any county before the twentieth day of September in any year. As to time for revision of county lists.

\* \* \* \* \*

17. For the purposes of this Act the word "value" shall, in the case of an objection to any person claiming to be retained or inserted in the list as an occupying tenant, mean "amount of rental." Interpretation of terms.

## SCHEDULE (A.)

### No. 1.

*Precept of the Clerk of the Peace to the Overseers.*

County of     } To the overseers of the poor of the parish of  
to wit.        }                   [or of the township of           ].

IN pursuance of the provisions of the Acts of parliament in that behalf, I require your attention to the following

### *Instructions.*

On or before the twentieth day of June you are to publish one of the copies of the register for your parish [or township] herewith sent, together with a notice, signed by you, according to the form marked No. 2 among the printed forms herewith sent.

The manner in which you are required to publish that register and notice is as follows; (that is to say,) you are to fix one of the printed copies (each copy being first signed by you) on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish or township, including chapels which do not belong to the Established Church; or if there should be no such church or chapel, then in some public or conspicuous situation in your parish [or township], and it must remain there during a period including two Sundays at least, and not later than the twentieth day of July.

On or before the last day of July you are to make out an alphabetical list of all persons who, on or before the twentieth day of July, shall have delivered or sent to you their claims as voters for the county [riding, &c.] in which your parish [or township] lies, in respect of any property situate wholly or in part within your parish [or township]; and in making out such list you are to write or cause to be written, in the proper column of the printed form of list (herewith sent) numbered 3, the Christian name and surname of every such person, with the place of his abode, the nature of his qualification, and the local or other description of the property, and the name of the occupier, accordingly as the same shall be stated in the claim. If you have reasonable cause to believe that any person so claiming, or any person whose name shall appear in the copy of the register for your parish [or township] herewith sent, is not entitled to have his name on the new register about to be made, you are to add the word "objected" before his name in the margin of the copy of the register or list in which his name appears; and you are also to add the word "dead" before the name of any person whom you shall have reasonable cause to believe to be dead. Having done this, you are to sign the list of claimants, and also one of the copies of the register herewith sent, and to cause a sufficient number of copies of such lists to be written or printed, and then, on or before the first day of August, you are to publish the said register and lists, with your marginal additions, on every church and chapel in your parish [or township] in the same manner as before mentioned with regard to the notice.

You are to keep a copy of the list of claimants and of the said register sent to you, with your marginal additions thereon, signed by you, and to allow them to be perused by every person desirous of perusing them, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first fourteen days after you have published them, without payment or demand of any fee; and you are also to deliver copies of the list of claimants and of the said register, signed by you, to every person applying for the same, on payment of a price for such copy after the rate contained in the Table marked Schedule (D.) No. 1, herewith sent.

You are to make out a list, according to the form numbered 6 (herewith sent), containing the name of every person against whom a notice of objection shall have been given to you or any one of you, on or before the twentieth day of August; and you are to publish copies of such lists on or before the first day of September on every church and chapel in your parish or township, in the same manner as before mentioned with regard to the notice; and you are to keep a copy of such list of persons objected to, to be perused by any person, without payment or fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day,

except Sunday, during the first fourteen days of September, both inclusive; and you are to deliver a copy of such list to any person requiring the same, on payment of a price for such copy after the rate contained in the Table marked Schedule (D.) No. 1, herewith sent.

And if you shall find any such notice, list, register, or other document published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same effect in its place.

On or before the first day of September you are to deliver to the clerk of the peace of the county [riding, &c.] wherein your parish [or township] is situate, the list of claimants, the copy of the part of the register (herewith sent), and also a copy of the list of persons objected to, signed by you.

You are to attend the court to be holden by the barrister appointed to revise the lists relating to your parish [or township], of the time and place of holding which notice will be sent to you; and you are there to deliver to the barrister holding such court the original notices of claim and original notices of objection given to you as aforesaid.

Herein if you fail you will be liable to the penalties in that case provided. Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Clerk of the peace for the county of

28 & 29 VICT. CHAP. 79.

AN ACT to provide for the better distribution of the Charge for the Relief of the Poor in Unions.

[29th June, 1865.]

WHEREAS it is expedient to make provision for the better distribution of the charge for the relief of the poor in unions than is by law now established: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. From and after the twenty-fifth day of March one thousand eight hundred and sixty-six, so much of the twenty-sixth section of the fourth and fifth William the Fourth, chapter seventy-six, as requires that each of the parishes in a union formed under the authority of that Act shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of the workhouse of such union, shall be repealed; and all the cost of the relief to the poor, and the expenses of the burial of the dead body of any poor person under the direction of the guardians, or any of their

So much of sect. 26, of 4 & 5 Will. 4, c. 76, as requires parishes in unions to defray expenses of their own poor repealed; and expenses thenceforth

incurred to be charged to the common fund. officers duly authorized (a), in such union thenceforth incurred, and all charges thenceforth incurred by the guardians of such union in respect of vaccination (b) and registration fees and expenses (c), shall be charged upon the common fund thereof.

Guardians in unions may obtain orders of removal in respect of paupers settled elsewhere.

2. When any pauper relieved in any such union shall be settled in any parish situated in another union or subject to a board of guardians, and shall not be exempt from removal by reason of any provision of the law (d), the guardians of the union to which such pauper shall be chargeable may obtain an order of removal addressed to the guardians of the union or parish, or the overseers of the parish, as the case may require (e), in which such pauper shall be settled, and the guardians of such last-mentioned union or parish shall receive such pauper in like manner and subject to the like incidents and consequences as in the case of orders of removals heretofore obtained by overseers, with such modifications as may be necessary to meet the circumstances of the chargeability to the union instead of the parish.

Guardians may defend and may appeal against orders of removal.

3. The guardians obtaining such order may defend the same, and the guardians upon whom it shall be made may appeal against the same, in like manner and with the like incidents and consequences as in the case of orders obtained or appealed against by overseers.

Provided that every appeal now pending may be continued and determined as though this Act had not been passed.

Signature and service of notices and other documents.

4. Every notice, statement, demand, or other document required to be given by any such guardians in respect of any order of removal shall be deemed to be sufficiently authenti-

- |                                       |                                      |
|---------------------------------------|--------------------------------------|
| (a) See 7 & 8 Vict. c. 101, s. 31.    | Vict. c. 111; 12 & 13 Vict. c. 103,  |
| (b) See 30 & 31 Vict. c. 84.          | s. 4; 24 & 25 Vict. c. 55; 26 & 27   |
| (c) See 6 & 7 Will. 4, c. 86, s. 29.  | Vict. c. 105.                        |
| (d) See 9 & 10 Vict. c. 66, ss. 1, 2, | (e) See 30 & 31 Vict. c. 106, s. 24. |
| 3, 4; 10 & 11 Vict. c. 110; 11 & 12   |                                      |

#### SETTLEMENT—DIVISION OF PARISH.

Decision on sect. 1.

Subsequently to the passing of 28 & 29 Vict. c. 79, an order of justices was made for the removal of M. A. S. and her children to the union of S., and adjudging the place of her last legal settlement to be in the parish of O., in the said union. The alleged settlement was derived from the father of the pauper's husband, who was born in 1804, in the parish of O. The parish of O. was an ecclesiastical parish not maintaining its own poor, nor were there ever overseers appointed for it. It was originally made up of a number of townships and hamlets, and the alleged birth settlement was in the township of U., in the said parish. From time immemorial separate overseers and separate poor rates have been appointed and made for two of such townships respectively, and since the year 1842, separate overseers of the poor, and separate poor rates, have been duly and legally appointed and made for the other townships respectively. The township of U. became lawfully separated, for the maintenance of its own poor, from the parish of O. and the other townships comprised therein, and maintained its own poor separately: Held, that, under these circumstances, the pauper S. had no settlement in the parish of O., and that the order of removal was invalid: *Stourbridge Union v. Droitwich Union*, 40 L. J. M. C. 186; L. R. 6 Q. B. 769.

cated if signed by their clerk in their name, and shall be deemed to be duly served upon the guardians to whom it shall be addressed if it be delivered to their clerk personally, or be left at his office, or be sent through the post addressed to him at such office.

5. For better enabling the guardians to obtain such orders of removal, or to appeal against the same, they may order the overseers of the poor, or any officer or other person having the custody of any books, papers, documents, or writings of or belonging to any parish in their union, to produce the same, upon reasonable notice to the board of guardians, or to their clerk or other person appointed by them, and shall allow copies or extracts to be taken therefrom for the use of such guardians, without fee or reward.

Guardians empowered to call for books and papers from the overseers.

6. Where the guardians of any union or parish shall be satisfied that any pauper is settled within and removable to their union or parish, and shall consent under their common seal to receive such pauper without an order of removal, the guardians seeking to remove such pauper may do so without any such order.

Guardians may remove without orders where there is consent.

7. Any pauper removed under an order of removal obtained by the guardians of any such union returning to and becoming chargeable to such last-mentioned union again within the period of twelve months from such removal, without the consent of the guardians thereof, shall be deemed to be an idle and disorderly person within the meaning of the statute fifth George the Fourth, chapter eighty-three, and be liable to be convicted and punished as such.

Penalty on paupers removing after order of removal.

8. From and after the twenty-fifth day of March one thousand eight hundred and sixty-six, the period of one year shall be substituted for that of three years specified in the first section of the statute twenty-fourth and twenty-fifth of Victoria, chapter fifty-five (f).

One year to be substituted for three years in sect. 1 of 24 & 25 Vict. c. 55.

(f) See 29 & 30 Vict. c. 113, s. 17.

#### WIDOW BECOMING IRREMOVABLE BY RESIDENCE.

On the 19th of November, 1860, an order was made for the removal of J. G., and E., his wife, from the respondent to the appellant parish, but was suspended in consequence of the illness of J. G. He and his wife continued to reside in the respondent parish. He remained ill so as not to be able to be removed till his death, which happened on the 13th of June, 1861, shortly before which event E. also became ill and unable to travel. For twelve months after her husband's death, she was irremovable by virtue of 9 & 10 Vict. c. 66, s. 2; and she remained ill in the respondent parish up to the time of her death, on the 10th of April, 1867. The respondent parish paid for their maintenance from the date of the order of removal, up to the time of their respective deaths, and the appellants repaid to them the amount which they had expended up to the death of J. G.: Held, that the respondent parish was entitled to recover from the appellant parish the expenses of relieving E. from the 13th of June, 1862, up to the 25th of March, 1866, when she became irremovable by residence under 28 & 29 Vict. c. 79, s. 8: *Reg. v. Sculcoates*, 38 L. J. M. C. 33.

*Decision on sect. 8.*

Costs of prosecutions to be charged to the common fund.

9. The costs and expenses lawfully incurred in and about the prosecution of any person for which the guardians of the union may be liable, or which they undertake to pay, under the fifty-ninth section of the seventh and eighth Victoria, chapter one hundred and one, shall in all cases be charged to the common fund.

Provision for deaths in the workhouse.

10. For the purposes of the burial of any poor person dying in the workhouse of any union, such workhouse shall be considered as situated in the parish in the union where such poor person resided last previously to his removal to the workhouse (a).

Poor law board to make all requisite orders.

11. The poor law board shall, as soon as convenient, make all such orders as may be requisite to render the provisions of this Act applicable to the proceedings and accounts of the guardians of unions and of overseers of parishes comprised therein.

Computation of the charges on the common fund.

12. The guardians shall distribute the charges upon the common fund during and at the close of every half year in the proportions according to which the orders for the contributions to the common fund were made upon the several parishes comprised in such unions at the commencement of such half year, notwithstanding the change which may be made in the valuation list of any parish during such period.

Saving of settlements in other respects.

13. Except as herein provided, no alteration shall be made in respect of the settlement of poor persons in parishes.

Unions, &c., under local Acts enabled to avail themselves of this Act.

14. If in any union or incorporation for the relief of the poor, where the cost thereof is not borne by a common fund, or where the common fund is not calculated upon an equal basis throughout the union or incorporation, the body having under the constitution of such union or incorporation the management of such relief shall be desirous of adopting the provisions of this Act, such body may, on a resolution to that effect of a majority at two successive meetings, by writing under the hand of the presiding chairman of the second of such meetings, apply to the poor law board to be included in this Act; and, upon the consent of that board being given under its seal to such application, and subject to such terms and conditions as that board may deem requisite, such union or incorporation shall be so included from such time as the said board shall declare; and such consent so signified shall be evidence that such application was in all respects duly made according to the provisions above mentioned.

Calls for money in advance to be made on the overseers of the several parishes.

15. When this Act has been adopted by any such union or incorporation as aforesaid, and such adoption has been legally brought into operation in such union or incorporation, the body having the management of the relief of the poor therein shall from time to time make calls in advance for money for the relief of such poor upon the overseers of the several parishes therein respectively, on the basis of an equal

(a) See 7 & 8 Vict. c. 101, ss. 31, 56.

pound rate on the annual value of the property in each parish rateable to the relief of the poor according to the law in force for the time being, and shall have the same powers of enforcing such calls as they now possess under the provisions of such local Act for enforcing calls or rates for the relief of the poor; and such overseers shall have the same powers for making, levying, and enforcing rates to meet and pay such calls as they now possess, either under the provisions of such local Act or the general law relating to the making, levying, and enforcing rates for the relief of the poor.

16. The words herein used shall be interpreted in the manner prescribed by the statute of the fourth and fifth years of William the Fourth, chapter seventy-six (*b*), and the subsequent Acts amending or explaining the same, and the provisions in such Acts which apply to poor persons rendered chargeable upon the common fund by reason of their having become irremovable through the operation of the statutes in that behalf shall apply to all the poor in the union hereby rendered chargeable upon the common fund. Interpretation  
of terms.

17. This Act may be cited as “The Union Chargeability Act, 1865.” Short title.

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### 28 & 29 VICT. CHAP. 80.

AN ACT to explain and amend “The Lunatic Asylum Act, 1853,” and “The Lunacy Act Amendment Act, 1862,” with reference to Counties of Towns which have Courts of Quarter Sessions, but no Recorder. [29th June, 1865.]

WHEREAS by “The Lunatic Asylum Act, 1853” (*c*), county is defined to include a county of a city or county of a town, and borough is defined to mean every borough, town, and city corporate having a quarter sessions, recorder, and a clerk of the peace: And whereas by “The Lunacy Acts Amendment Act, 1862” (*d*), it is provided that the word “county” shall not, except in the case of the city of London, mean a county of a city or county of a town: And whereas certain counties of cities and counties of towns have quarter sessions and clerks of the peace, but no recorders, wherefore the same do not come within the provisions of “The Lunatic Asylum Act, 1853,” and the Acts construed as one therewith: And whereas it is expedient to remedy such defect: Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

(*b*) See 4 & 5 Will. 4, c. 76, s. 109. (*c*) See 16 & 17 Vict. c. 97, s. 132.

(*d*) See 25 & 26 Vict. c. 111, s. 48.

Definition of  
"county" in  
Lunatic Asy-  
lum Acts.

1. That the word "county" in "The Lunatic Asylum Act, 1853," and the several Acts construed as one therewith, shall be construed to include every county of a city or county of a town having quarter sessions and a clerk of the peace, and no recorder.

Powers of  
justices of  
such counties.

2. The justices of every county of a city or county of a town having quarter sessions and a clerk of the peace, and no recorder, shall have all the powers and authorities conferred on or given to the justices of every borough not having any asylum by section seven of "The Lunatic Asylum Act, 1853," notwithstanding such county of a city or town may have an asylum of its own: Provided always, that it shall not be obligatory on any such county of a city or town to keep up and maintain any such asylum from and after or during such time as it shall avail itself of the provisions of the said section.

This and re-  
cited Acts to  
be construed  
together.

3. This Act shall be construed as one with "The Lunatic Asylum Act, 1853," and several Acts construed as one therewith, and may be cited for all purposes as "The Lunacy Act Amendment Act, 1865."

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## 28 & 29 VICT. CHAP. 90.

AN ACT for the Establishment of a Fire Brigade within the  
Metropolis. [5th July, 1865.]

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Partial repeal  
of 3 & 4  
Will. IV. c. 90.

35. On and after the first day of January one thousand eight hundred and sixty-six, section forty-four of an Act passed in the session holden in the third and fourth years of the reign of King William the Fourth, chapter ninety, shall be repealed so far as respects any parish or place within the limits of the metropolis as defined by this Act; provided that the repeal of the said section shall not affect the power of the churchwardens and overseers of any parish or place to contribute to the funds of any society that at the time of the passing of this Act maintains fire escapes in such parish or place, unless and until the board purchases the property of such society, or otherwise provides fire escapes in such parish or place (a).

(a) See 30 & 31 Vict. c. 106, s. 29.

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28 & 29 VICT. CHAP. 126.

AN ACT to consolidate and amend the Law relating to Prisons.  
[6th July, 1865.]

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*Discharge of Prisoners.*

41. Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's day, shall be entitled to his discharge on the Saturday next preceding such Lord's day; and every gaoler of every prison having the custody of any such prisoner as aforesaid is hereby required and authorized to discharge such prisoner on the Saturday next preceding any such Lord's day.

When term of imprisonment expires on Sunday, prisoner to be discharged on preceding day.

42. Where any prisoner is discharged from prison, the visiting justices may order a sum of money not exceeding two pounds to be paid out of any monies under their control, and applicable to the payment of the expenses of the prison, by the gaoler to the prisoner himself, or to the treasurer of a certified prisoner's aid society, on his receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, to appropriate the whole or any unapplied part thereof for the benefit of such other prisoner or prisoners discharged from the said prison as the visiting justices may direct.

Allowance to discharged prisoner.

43. When a prisoner is discharged from prison the visiting justices of the prison may provide such prisoner out of any monies under their control, and applicable to the payment of the expenses of the prison, with the means of returning to his home or place of settlement, by causing his fare to be paid by railway, or in any other convenient manner.

Discharged prisoners provided with means of returning to place of settlement.

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28 & 29 VICT. CHAP. 127.

AN ACT to amend the Law relating to small Penalties.  
[6th July, 1865.]

WHEREAS it is expedient to amend the law relating to small penalties: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as "The Small Short title. Penalties Act, 1865."

Commence-  
ment of Act.  
Definition of  
“penalty.”

Recovery of  
small penal-  
ties.

2. This Act shall come into operation on the first day of August one thousand eight hundred and sixty-five.

3. The word “penalty” in this Act shall include any sum of money recoverable in a summary manner.

4. Where upon summary conviction any offender may be adjudged to pay a penalty not exceeding five pounds, such offender, in case of non-payment thereof, may, without any warrant of distress, be committed to prison for any term not exceeding the period specified in the following scale, unless the penalty shall be sooner paid :—

For any penalty—	The imprisonment not to exceed—
Not exceeding ten shillings - - -	Seven days.
Exceeding ten shillings and not exceed- ing one pound - - -	Fourteen days.
Exceeding one pound but not exceeding two pounds - - -	One month.
Exceeding two pounds but not exceeding five pounds - - -	Two months.

Saving as to  
hard labour.

5. Nothing in this Act contained shall affect the power of imposing hard labour in addition to imprisonment in cases where hard labour might, on non-payment of the penalty, have been so imposed if this Act had not passed.

Application of  
Act.

6. This Act shall apply to penalties, including costs, recoverable in a summary manner in pursuance of any Act of parliament, whether passed before or after the commencement of this Act; and all provisions of any Act of parliament authorizing, in the case of non-payment of a penalty not exceeding five pounds, a longer term of imprisonment than is provided by this Act, shall be repealed.

Not to apply  
to penalties  
under Revenue  
Acts.

7. This Act shall not apply to any penalty imposed by any Act of parliament relating to the inland revenue.

Extent of Act.

8. This Act shall extend to England only.

## 29 VICT. CHAP. 31.

AN ACT to provide for Superannuation Allowances to Officers of Vestries and other Boards within the Area of the Metropolis Local Management Act (a). [18th May, 1866.]

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to officers of vestries of any parish and district boards of any district and of other parochial bodies within the metropolis who become

(a) As to poor law officers, see 27 & 28 Vict. c. 42, and 29 & 30 Vict. c. 113, ss. 1, 2, 3.

disabled by infirmity or age to discharge the duties of their offices :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. The vestry of any parish and district board of any district or any other parochial body within the metropolis, and also the metropolitan board of works, may, at their discretion, grant to any officer in their respective services, including the chairman of the metropolitan board of works, who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, an annual allowance not exceeding in any case two thirds of his then salary, regard being had to the scale of allowances hereinafter contained, and shall charge such allowance to the fund or funds to which such salary would have been charged if he had continued in his office : Provided always, that nothing in this Act contained shall affect the powers contained in the two hundred and thirteenth section of " The Metropolis Management Act, 1855 " (b).

Vestries, district boards, and metropolitan board of works may grant superannuation allowances to officers in certain cases.

2. This allowance shall be payable to or in trust for such officer only, and shall not be assignable for nor chargeable with his debts or other liabilities without the consent in writing of the vestry, district board, metropolitan board of works, or other parochial body.

Allowances not to be assignable for debts, &c.

3. No officer shall be entitled to such allowance on the ground of old age who shall not have completed the full age of sixty years.

Limitation of grant of allowances.

4. Subject to the provisions herein contained, the allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity as officers as aforesaid, whether their remuneration be computed by weekly wages, poundage, or percentage on collection of rates, or annual salary, shall be as follows : (that is to say,)

Scale of allowances.

To any person who shall have served ten years and upwards, and under eleven years, an annual allowance of ten sixtieths of the salary and emoluments of his office (c) ; And in like manner an addition of one sixtieth in respect of each additional year of such service until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted ; and no addition shall be made in respect of any service beyond forty years (c) ; but in computing the time of an officer's service any period during which such officer shall have been in the service of a vestry, board of trustees, or other parochial board of the same parish super-

(b) See 33 & 34 Vict. c. 23, s. 2. for officers in Her Majesty's civil service. See 22 Vict. c. 26, s. 2.

(c) This is in accordance with the scale of superannuation allowances

seded by “The Metropolis Management Act, 1855,” or of any parish comprised in the district board granting such allowance, shall be included.

Power to  
increase  
allowance.

5. When for the due and efficient discharge of the duties of any office professional or other peculiar qualifications not ordinarily to be acquired in the vestry or board's service are required, and any person having such qualifications shall have been or may be appointed thereto beyond the age of thirty years, any vestry or board may, by order, direct that when any person now holding or who may hereafter be appointed to such office shall retire from their service, a number of years, not exceeding ten, to be specified in the said order, shall, in computing the amount of superannuation allowance which may be granted to him under this Act, be added to the number of years during which he may have actually served.

Power to  
grant gra-  
tuities in case  
of retirement  
before entitled  
to super-  
annuation  
allowance.

6. Any vestry or board or other parochial body may grant to any person who is compelled to quit their service by reason of severe bodily injury occasioned, without his own default, in the discharge of his public duty, or from infirmity of mind or body, before the completion of the period which would entitle him to a superannuation allowance, a gratuity not exceeding three months pay for every two years of service.

Notice of  
grant to be  
given.

7. No grant shall be made without one month's previous notice, to be specially given in writing to every member of the vestry or district board, of the proposal to make such grant, and the time when it shall be brought forward.

Interpretation  
of terms.

8. In the construction of this Act the term “metropolis” shall have the same interpretation as in the Metropolis Management Act, 1855, and Metropolis Management Amendment Act, 1862(a);” the words “other parochial body” shall mean all trustees, overseers, and others who make the several rates for the purposes of the vestry or the district board of any district.

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## 29 & 30 VICT. CHAP. 78.

AN ACT for removing Doubts respecting the Assessment of  
County Rates. [6th August, 1866.]

15 & 16 Vict.  
c. 81.

WHEREAS by the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, intituled “An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales,” the justices of the peace of every county of England and Wales assembled at their general or quarter sessions of the peace, or at any adjournment thereof,

(a) See 18 & 19 Vict. c. 120, s. 250; and 25 & 26 Vict. c. 102, s. 112.

are empowered to appoint a committee for the purpose of preparing in manner therein mentioned a basis or standard for fair and equal county rates :

And whereas by the Union Assessment Committee Act, 1862, boards of guardians are empowered to appoint assessment committees for the purpose of making the parochial assessments therein mentioned :

And whereas doubts are entertained whether the powers of the justices under the first-mentioned Act are not impliedly interfered with or controlled by such last-mentioned Act.

And whereas it is expedient to remove such doubts :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. Nothing contained in the Union Assessment Committee Act, 1862, shall apply to any assessment which has been or shall be made by any committee appointed by the justices under the said Act of the session of the fifteenth and sixteenth years of Her present Majesty, chapter eighty-one, and any committee which has been or shall be appointed under the last-mentioned Act may prepare a basis for county rates, and do all other things authorized to be done by them under the said Act, in the same manner in all respects as if the Union Assessment Committee Act had not passed (b).

Act of 25 & 26  
Vict. c. 103,  
not to affect  
Act of 15 & 16  
Vict. c. 81.

2. Whereas by the twenty-sixth section of the said Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter eighty-one, printed lists of the parishes and places assessed to the county rate, and the amount of the rateable value upon which such parishes and places have been assessed, are required to be sent to the persons therein mentioned upon every occasion when a county rate is made : And whereas it is expedient to amend the said section : Be it enacted, that the said printed lists shall, unless the justices otherwise direct, be sent only on the occasion when a new basis or standard for a county rate or an alteration in the existing basis or standard has been allowed and confirmed.

Amendment  
of s. 26 of  
15 & 16 Vict.  
c. 81.

3. This Act may be cited for all purposes as " The County Short title. Rate Act, 1866."

(b) See 15 & 16 Vict. c. 81, s. 2, repealed by 32 & 33 Vict. c. 67, s. 77, *et seq.* Sect. 1 of 29 & 30 Vict. and Sch. 5.  
c. 78, as regards the metropolis, is

## 29 &amp; 30 VICT. CHAP. 113.

AN ACT to amend the Act providing Superannuation Allowances to Officers of Unions and Parishes, and to make other Amendments in the Laws relating to the Relief of the Poor (*a*). [10th August, 1866.]

WHEREAS it is expedient that the Act providing superannuation allowances to officers of unions and parishes should be amended, and that certain other amendments should be made in the laws regulating the relief of the poor in England: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Registrars of births and deaths deemed officers under 27 & 28 Vict. c. 42, and may be superannuated.

1. The superintendent registrar and the registrar of births and deaths appointed in any union or parish shall be deemed an officer within the operation of the statute twenty-seventh and twenty-eighth Victoria, chapter forty-two (*b*), and in computing the salary of any officer under that or the present statute the amount of the emoluments of his office on the average of the three years concluded at the last preceding quarter may be taken into the calculation by the guardians, managers, or overseers.

Provision for relieving officers who have also been registrars.

2. Where any relieving officer of any union or parish shall have also held the office of registrar of births and deaths in the same union or parish (*c*), he shall not be disqualified from receiving a superannuation allowance in respect of such office of relieving officer by reason of his having simultaneously held the office of registrar (*d*), and by reason of his having resigned his office of relieving officer subsequent to the passing of the last-mentioned Act.

Managers of districts schools empowered to grant superannuation allowances.

3. The board of management of any district school may exercise the same power in respect of any officer of such school in their service as the guardians of any union can do under such last-mentioned statute with like consent as therein provided (*e*), and shall charge any allowance to be made by them to the fund chargeable with the payment of the salaries of their officers (*f*).

Evidence of consent of poor law board.

4. In any case where the poor law commissioners or the poor law board shall have given or refused, or shall hereafter give or refuse, their consent, sanction, or approval in any matter where their order under seal shall not have been or shall

(*a*) See 30 & 31 Vict. c. 106, s. 30.

(*e*) See *ib.*; and 33 & 34 Vict.

(*b*) See 27 & 28 Vict. c. 42, s. 1; and 33 Vict. c. 2, s. 9.

c. 23, s. 2.

(*c*) See 30 & 31 Vict. c. 106, s. 18.

(*f*) See 7 & 8 Vict. c. 101, ss. 46, 47.

(*d*) See 27 & 28 Vict. c. 42, s. 1; and 33 Vict. c. 2, s. 9.

not be expressly required, the production of any written document signed or purporting to be signed by a secretary or assistant secretary of the said commissioners or the said board shall be *prima facie* evidence of the decision of the said commissioners or the said board upon such matter as aforesaid (g).

5. So much of the fourth section of the statute of the eleventh and twelfth years of the reign of Her Majesty, chapter ninety-one, as requires the poor law board to issue an order under their seal in cases where they direct any surcharge or disallowance made by an auditor to be remitted, shall be repealed; and such direction, if given in writing under the hand of the president of the said board, and countersigned by a secretary or assistant secretary, shall have the same effect as if such direction were given by such an order as aforesaid.

Remission of surcharges and disallowances need not be made by order under seal.

6. When the poor law board shall require an auditor to hold an extraordinary audit of the accounts of any guardians or overseers, or of any officer, whether still continuing or upon his resignation or removal from office, such audit shall be deemed to be an audit within the meaning of the several Acts relating to the audit of the accounts of the poor rate (h), and may be held after three days' notice thereof given in the usual manner (i).

Effect of an extraordinary audit.

7. The auditor who shall be authorized to audit the accounts of any guardians, overseers, or officers may at any time when authorized or required by the poor law board so to do, inspect the accounts and books of account of any guardians, overseer, or any officer liable to account to him; and any such guardian, overseer, or officer who shall thereupon refuse to allow him to inspect the same, or shall obstruct him in such inspection, or shall conceal any such account or book for the purpose of preventing such inspection, shall forfeit a sum not exceeding five pounds, to be recovered as a penalty under the statute of the fourth and fifth of King William the Fourth, chapter seventy-six (k), and to be applied to the use of the parish or union for which such guardian, overseer, or officer respectively shall act.

Auditor empowered to inspect books at any time.

8. The proviso to section twenty-five of the said last-mentioned statute of King William the Fourth shall be repealed, and in lieu thereof it is provided that the principal sum to be raised for the purposes specified in such section shall not exceed one-tenth of the average annual amount of the rates raised for the relief of the poor in any such parish or union to which such section applies for the three years ending at the Easter next preceding the raising of such money, and when the board of guardians of any union or parish shall deem it expedient

Part of sect. 25 of 4 & 5 Will. 4, c. 76, repealed, and another proviso substituted.

(g) See 31 & 32 Vict. c. 122, s. 18.

(h) See 7 & 8 Vict. c. 101, s. 32.

(i) See 7 & 8 Vict. c. 101, s. 33; and 11 & 12 Vict. c. 91, s. 7.

(k) See 4 & 5 Will. 4, c. 76, s. 99.

to make any enlargement, alteration or improvement of their workhouse, or the premises, drainage, or other appurtenances belonging thereto, at a cost not exceeding five hundred pounds, and the poor law board shall give their consent thereto, they shall not require any order of that board to enable them to execute the same (a).

Emigration money how disposed of.

9. Where any sum of money has been lawfully raised or borrowed for the purpose of the emigration of poor persons, and the same shall not have been wholly expended for such purpose, the poor law board may, upon application from the overseers of the parish for whose use the sum was raised or borrowed, by their order under seal, direct the unexpended amount of such sum, where it has not been raised by borrowing, to be applied in aid of the current rate, and where it has been borrowed to be applied in reduction of the balance of the loan, or in aid of the current rate, as the case may require (b).

Same person not to be overseer and assistant overseer.

10. No person shall be qualified to be appointed to be an overseer of the poor in any parish who at the time of the proposed appointment shall be an assistant overseer of any parish; and no person being an overseer of any parish shall be qualified to be appointed an assistant overseer (c).

One overseer only may be appointed for small parishes.

11. If it shall appear to the justices who are required to appoint overseers that two overseers cannot be conveniently appointed from the inhabitant householders in any parish (d), such justices may appoint one overseer only, and if it shall appear to them that there is no such householder liable or fit to be appointed, they shall appoint some inhabitant householder of an adjoining parish willing to serve to be such overseer, either with or without an annual salary to be paid out of the poor rate of the parish, which last-mentioned appointment shall endure until the usual time of the appointment of overseers, and may be renewed from year to year as long as the justices shall find necessary (e).

As to churchwarden and overseer.

12. In any parish the same person may hold jointly the offices of churchwarden and overseer (f).

Sect. 10 of 13 & 14 Vict. c. 101, extended to the county rate.

13. The provisions of the tenth section of the statute of the thirteenth and fourteenth years of Her Majesty, chapter one hundred and one, shall extend to the county rate or other rate in the nature of a county rate levied upon the part of the parish therein described situated without the borough, and the auditor shall have the same power, and be under the same obligation, to allow or disallow accounts audited by him under the provisions of the third section of the statute of the twelfth and thirteenth years of Her Majesty, chapter sixty-five, and of

(a) See 7 & 8 Vict. c. 101, s. 44; and 31 & 32 Vict. c. 122, s. 8.

(b) See *ib.* s. 29.

(c) See 43 Eliz. c. 2, s. 1; 59 Geo. 3, c. 12, s. 7; and 7 & 8 Vict. c. 101, ss. 60, 62.

(d) See 43 Eliz. c. 2, s. 1.

(e) See 20 Vict. c. 19, s. 2; and 43 Eliz. c. 2, s. 1.

(f) See 43 Eliz. c. 2, s. 1.

the thirty-third section of the statute of the fifteenth and sixteenth of Her Majesty, chapter eighty-one, and to surcharge, certify, and recover all such sums as he shall find due from the persons accounting or making or authorizing any payment, with the like right of appeal to any person aggrieved by his decision, as in the case of the poor rate (*g*); and the poor law board may, as and when they shall see fit, make regulations for the keeping of the said accounts hereinbefore mentioned or referred to.

14. That if the parent, step-parent, nearest adult relative, or next of kin of any child not belonging to the Established Church, relieved in a workhouse or in a district school, or in case there should be no parent, step-parent, nearest adult relative, or next of kin, then the god-parent of such child, make application to the said board in such behalf, the board may, if they think fit, order that such child shall be sent to some school established for the reception, maintenance, and education of children of the religion to which such child shall be proved to belong, and duly certified by the poor law board under the statute of the twenty-fifth and twenty-sixth Victoria, chapter forty-three; and the guardians of the union or parish to which such child shall be chargeable shall, according to the terms of such order, cause the child to be conveyed to such school, and pay the costs and charges of the maintenance, lodging, clothing, and education of the said child therein, and all the provisions of the said statute shall thenceforth apply to the said child (*h*).

15. When the guardians of any union or parish shall prescribe a task of work (*i*) to be performed by any poor person, to whom, or to whose wife, if he be liable to maintain such wife, or child, whether legitimate or illegitimate, under the age of sixteen, relief shall have been lawfully granted by such guardians out of the workhouse, such task being suited to the age, sex, strength, and capacity of such person, and being of a nature and description of which the poor law board shall have previously approved, and such person shall refuse or wilfully neglect to perform such task, or shall wilfully destroy or damage any of the tools, materials, or other property belonging to the said guardians, he shall be deemed to be an idle and disorderly person within the meaning of the eighty-third chapter of the statute of the fifth year of King George the Fourth (*k*), and shall be liable to be prosecuted and punished in the manner therein provided in respect of idle and disorderly persons; and the fifty-ninth section of the one hundred and first chapter of the statute of the seventh and eighth years of Her present Majesty shall apply to any such prosecution.

16. So much of the fifty-first section of the said last-mentioned statute as limits the distance within which children may

Provision for educating children in the religion to which they belong.

Persons relieved out of the workhouse refusing to perform task of work rendered liable to be punished under the 5 Geo. 4, c. 83.

The limits imposed by

(*g*) See 7 & 8 Vict. c. 101, ss. 35, 36; and 11 & 12 Vict. c. 91, s. 4.

(*i*) See 5 & 6 Vict. c. 57, s. 5.

(*k*) See 5 Geo. 4, c. 83, s. 3.

(*h*) See also 31 & 32 Vict. c. 122, s. 23.

sect. 51 of  
7 & 8 Vict.  
c. 101, and  
sect. 6 of  
14 & 15 Vict.  
c. 105, with-  
drawn.

Sect. 3 of  
24 & 25 Vict.  
c. 55,  
amended.

Interpretation  
of terms, and  
consolidation  
of the Acts.

Short title.

be sent to the school of any district formed under the said or any subsequent statute from any parish or union not combined therein, and so much of the sixth section of the statute of the fourteenth and fifteenth years of Her Majesty, chapter one hundred and five, as limits the distance within which children may be sent from one workhouse to another, are hereby repealed.

17. In clause three of the statute twenty-fourth and twenty-fifth years of Her Majesty, chapter fifty-five, one year shall be substituted for three years (*a*).

18. In all statutes, except there shall be something in the context inconsistent herewith, the word "parish" shall, among other meanings applicable to it, signify a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed (*b*), and all the other words used herein shall be construed in the like manner as in the said statute passed in the fourth and fifth years of King William the Fourth (*c*); and the provisions contained therein and in the subsequent statutes explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this statute (*d*).

19. This Act may be cited and described for all purposes as "The Poor Law Amendment Act of 1866."

## 29 & 30 VICT. CHAP. 114.

AN ACT to amend the Public Libraries Act (*e*).

[10th August, 1866.]

\* \* \* \* \*

Parishes  
adjoining a  
borough, &c.  
may unite in  
adopting Act.

4. Any parish, of whatever population, adjoining any borough, district, or parish which shall have adopted or shall contemplate the adoption of the said Public Libraries Act, 1855, may, with the consent of more than one half of the rate-payers thereof present at a meeting to be convened in manner directed by the said Act with reference to meetings of rate-payers, and with the consent also of the town council of such borough, or the board of such district, or the commissioners of such parish, as the case may be, determine that such adjoining parish shall for the purposes of the said Act form part of such borough, district, or parish, and thereupon the vestry of such adjoining parish shall forthwith appoint three rate-payers commissioners

(*a*) See 28 & 29 Vict. c. 79, s. 8.

(*b*) See 4 & 5 Will. 4, c. 76, s. 109; 28 & 29 Vict. c. 79, s. 1; 32 & 33 Vict. c. 41, s. 20; and 32 & 33 Vict. c. 67, s. 4.

(*c*) See *ib.*

(*d*) See 4 & 5 Will. 4, c. 76, s. 109;

5 & 6 Will. 4, c. 69, s. 9; 5 & 6 Vict. c. 57, s. 18; 7 & 8 Vict. c. 101, s. 74; 12 & 13 Vict. c. 103, s. 21; 13 Vict. c. 21, s. 4; and 30 Vict. c. 6, s. 2.

(*e*) See 18 & 19 Vict. c. 70.

for such parish, one third of whom shall go out of office, and the vacancies be filled up as provided by the said Act with respect to the commissioners of a parish, and such commissioners for the time being shall for the purposes of the said Act be considered as part of such town council, board, or commissioners, as the case may be; and the expenses of calling the meeting, and the proportion of the expenses of such adjoining parish of carrying the said Act into execution, shall be paid out of the poor rates thereof to such person as the commissioners of the said adjoining parish shall appoint to receive the same.

*	*	*	*	*	
6. The Public Libraries Act (1855)	*	*	*	shall be	Act applicable
applicable to any borough, district, or parish	*	*	*	of what-	whatever
ever population (f).				population	may be.
*	*	*	*	*	

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### 29 & 30 VICT. CHAP. 118.

AN ACT to consolidate and amend the Acts relating to Industrial Schools in Great Britain. [10th August, 1866.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

#### *Preliminary.*

1. This Act may be cited as the Industrial Schools Act, Short title. 1866.

\*                      \*                      \*                      \*

4. In this Act—

The term "justice" applies to England only, and means a justice of the peace having jurisdiction in the place where the matter requiring the cognizance of a justice arises : Interpretation of terms.

The term "two justices" applies to England only, and means two or more justices in petty sessions, or the lord mayor or an alderman of the city of London, or a police or stipendiary magistrate or other justice having by law authority to act alone for any purpose with the powers of two justices :

The term "magistrate" applies to Scotland only, and includes sheriff, sheriff substitute, justice of the peace of a county, judge in a police court, and provost or baillie of a city or burgh :

The term "prison authority" with respect to England has the same meaning as in the Prisons Act, 1865 (g), and 28 & 29 Vict. c. 126.

(f) See 18 & 19 Vict. c. 70, s. 8.                      (g) See 28 & 29 Vict. c. 126, s. 4.

23 & 24 Vict.  
c. 105.

with respect to Scotland means the administrators of a prison as defined by the Prisons (Scotland) Administration Act, 1860 :

The term "parish" includes a place separately maintaining its own poor (*a*).

*Industrial Schools.*

Description of  
industrial  
schools and  
managers.

5. A school in which industrial training is provided, and in which children are lodged, clothed, and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this Act.

The persons for the time being having the management or control of such a school shall be deemed the managers thereof for the purposes of this Act.

\* \* \* \* \*

Contribution  
by counties  
and boroughs  
to establish-  
ment and en-  
largement of  
schools.

12. In England a prison authority may from time to time contribute such sums of money, and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified industrial school,—or towards the support of the inmates of such a school,—or towards the management of such a school,—or towards the establishment or building of a school intended to be a certified industrial school,—or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school ; provided,—

First, that not less than two month's previous notice of the intention of the prison authority to take into consideration the making of such contribution, at a time and place to be mentioned in such notice, be given by advertisement in some one or more public newspaper or newspapers circulated within the district of the county or borough, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given :

Secondly, that where the prison authority is the council of a borough, the order for the contribution be made at a special meeting of the council :

Thirdly, that where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the secretary of state be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase (*b*).

\* \* \* \* \*

*Classes of Children to be detained in Certified Industrial Schools.*

As to children  
under 14 years  
of age found  
begging, &c.

14. Any person may bring before two justices or a magistrate any child apparently under the age of fourteen years that comes within any of the following descriptions, namely,—

That is found begging or receiving alms (whether actually or

(*a*) See 29 & 30 Vict. c. 113, s. 18.

(*b*) See 33 & 34 Vict. c. 75, s. 27.

under the pretext of selling or offering for sale any thing), or being in any street or public place for the purpose of so begging or receiving alms ;

That is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence ;

That is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment ;

That frequents the company of reputed thieves.

The justices or magistrate before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient to deal with him under this Act, may order him to be sent to a certified industrial school (c).

15. Where a child apparently under the age of twelve years is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but has not been in England convicted of felony, or in Scotland of theft, and the child ought, in the opinion of the justices or magistrate (regard being had to his age and to the circumstances of the case), to be dealt with under this Act, the justices or magistrate may order him to be sent to a certified industrial school.

As to children under 12 years of age charged with offences.

16. Where the parent or step-parent or guardian of a child apparently under the age of fourteen years represents to two justices or a magistrate that he is unable to control the child, and that he desires that the child be sent to an industrial school under this Act, the justices or magistrate, if satisfied on inquiry that it is expedient to deal with the child under this Act, may order him to be sent to a certified industrial school.

As to refractory children under 14 years of age in charge of parent, &c.

17. Where the guardians of the poor of a union or of a parish wherein relief is administered by a board of guardians, or the board of management of a district pauper school (d) or the parochial board of a parish or combination, represent to two justices or a magistrate that any child apparently under the age of fourteen years maintained in a workhouse or pauper school of a union or parish, or in a district pauper school, or in the poorhouse of a parish or combination, is refractory, or is the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment, and that it is desirable that he be sent to an industrial school under this Act, the justices or magistrate may, if satisfied that it is expedient to deal with the child under this Act, order him to be sent to a certified industrial school.

As to refractory children under 14 years of age in workhouses, pauper schools, &c.

#### *Order of Detention.*

18. The order of justices or a magistrate sending a child to Form and a school (in this Act referred to as the order of detention in a contents of

(c) See 34 & 35 Vict. c. 112, s. 14. (d) See 7 & 8 Vict. c. 101, s. 40.

order sending school) shall be in writing signed by the justices or magistrate, child to school. and shall specify the name of the school.

The school shall be some certified industrial school (whether situate within the jurisdiction of the justices or magistrate making the order or not) the managers of which are willing to receive the child; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to teach, train, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution out of money provided by parliament towards the custody and maintenance of the children detained in the school is discontinued, whichever shall first happen.

The school named in the order shall be presumed to be a certified industrial school until the contrary is shown.

In determining on the school the justices or magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion.

The order shall specify the time for which the child is to be detained in the school, being such time as to the justices or magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

Temporary  
detention in  
workhouse,  
&c.

19. Two justices or a magistrate, while inquiry is being made respecting a child or respecting a school to which he may be sent, may, by order signed by them or him, order the child to be taken to the workhouse or poors-house of the union, parish, or combination in which he is found or resident— \* \* \* and to be detained therein at the cost of the union, parish, \* \* \* for any time not exceeding seven days, or until an order is sooner made for his discharge or for his being sent to a certified industrial school; and the guardians of the poor for the union or parish, \* \* \* or other person to whom the order is addressed, are and is hereby empowered and required to detain him accordingly.

Power to  
parent, &c., to  
apply to re-  
move child  
to a school  
conducted in  
accordance  
with child's  
religious  
persuasion.

20. If the parent, step-parent, or guardian, or if there be no parent, step-parent, or guardian, then the god-parent or nearest adult relative, of a child sent or about to be sent to a certified industrial school which is not conducted in accordance with the religious persuasion to which the child belongs, states to the justices or magistrate by whom the order of detention has been or is about to be made (or to two justices or a magistrate having the like jurisdiction) that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified industrial school in Great Britain which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case

the justices or magistrate shall, upon proof of such child's religious persuasion, comply with the request of the applicant, provided—

First, that the application be made before the child has been sent to a certified industrial school, or within thirty days after his arrival at such a school:

Secondly, that the applicant show to the satisfaction of the justices or magistrate that the managers of the school named by him are willing to receive the child:

Provided always, with respect to Scotland, that if any child who has become chargeable to any parish, and who is under this section sent from Scotland to a school out of Scotland, might have been removed from Scotland (under any Act for the time being in force relating to the relief of the poor in Scotland) at the instance of the inspector of the poor of the parish to which he has become chargeable, had he not been sent out of Scotland under this section, then and in every such case the chargeability on such parish for such child shall cease on his being so sent out of Scotland.

\* \* \* \* \*

22. The order of detention in a school shall be forwarded to the managers of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither, and his detention there. Order to be warrant for conveyance and detention.

23. The expense of conveying to a certified industrial school a child ordered to be sent there shall be defrayed by the police authorities by whom he is conveyed, and shall be deemed part of the current expenses of those police authorities (a). Expenses of conveyance to school.

24. An instrument purporting to be an order of detention in a school and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk to the justices or magistrate by whom the order was made, shall be evidence of the order. Evidence of order of detention.

#### *Management of School.*

25. A minister of the religious persuasion specified in the order of detention as that to which the child appears to the justices or magistrate to belong may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the secretary of state for the purpose of instructing him in religion. Religious instruction in school.

26. The managers of a school may permit a child sent there under this Act to lodge at the dwelling of his parent or of any trustworthy and respectable person, so that the managers teach, train, clothe, and feed the child in the school as if he were lodging in the school itself, and so that they report to the secretary of state, in such manner as he thinks fit to require, every instance in which they exercise a discretion under this section. Lodging child out of school.

(a) See 33 & 34 Vict. c. 75, s. 36.

Licence for living out of school.

27. The managers of a school may, at any time after the expiration of eighteen months of the period of detention allotted to a child, by licence under their hands, permit him to live with any trustworthy and respectable person named in the licence, and willing to receive and take charge of him.

Any licence so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the child's detention is expired.

Any such licence may also be revoked at any time by the managers of the school by writing under their hands, and thereupon the child to whom the licence related may be required by them, by writing under their hands, to return to the school.

The time during which a child is absent from a school in pursuance of a licence shall, except where such licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and at the expiration of the time allowed by the licence he shall be taken back to the school.

A child escaping from the person with whom he is placed under a licence, or refusing to return to the school on the revocation of his licence, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

Power to apprentice child.

28. The managers of a school may, at any time after a child has been placed out on licence as aforesaid, if he conducted himself well during his absence from the school, bind him, with his own consent, apprentice to any trade, calling, or service, notwithstanding that his period of detention has not expired, and every such binding shall be valid and effectual to all intents.

Rules of school to be approved by secretary of state.

29. The managers of a certified industrial school may from time to time make rules for the management and discipline of the school, not being inconsistent with the provisions of this Act; but those rules shall not be enforced until they have been approved in writing by the secretary of state; and rules so approved shall not be altered without the like approval.

A printed copy of rules purporting to be the rules of a school so approved and to be signed by the inspector of industrial schools shall be evidence of the rules of the school.

Evidence as to reception in school, &c.

30. A certificate purporting to be signed by one of the managers of a certified industrial school or their secretary, or by the superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the signing thereof detained in the school, or has been duly discharged or removed therefrom or otherwise disposed of according to law, shall be evidence of the matters therein stated.

31. The time during which a child is detained in a school under this Act shall for all purposes be excluded in the computation of time mentioned in section one of the Act of the session of the ninth and tenth years of her Majesty's reign (chapter sixty-six), "to amend the Laws relating to the Removal of the Poor," as amended by any other Act.

Liability to removal not affected by stay at school.

*Offences at School, &c.*

32. If a child sent to a certified industrial school, and while liable to be detained there, being apparently above ten years of age, and whether lodging in the school itself or not, wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this Act, and on summary conviction thereof before two justices or a magistrate shall be liable to be imprisoned, with or without hard labour, for any term not less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the Reformatory Schools Act, 1866.

Refusal to conform to rules.

29 & 30 Vict. c. 117.

33. If a child sent to a certified industrial school, and while liable to be detained there, and whether lodging in the school itself or not, escapes from the school, or neglects to attend thereat, he shall be guilty of an offence against this Act, and may at any time before the expiration of his period of detention be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a justice or magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such a justice or magistrate, to be, by and at the expense of the managers of the school, brought back to the same school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his committing the offence.

Penalty on child escaping from school.

If the child charged with such an offence is apparently above ten years of age, then, on his summary conviction of the offence before two such justices or such a magistrate, he shall be liable, at the discretion of the justices or magistrate, instead of being sent back to the same school, to be imprisoned with or without hard labour for any term not less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the Reformatory Schools Act, 1866.

29 & 30 Vict. c. 117.

Penalty on persons inducing offenders to escape from certified industrial schools.

34. If any person does any of the following things, (that is to say,)—

First, knowingly assists, directly or indirectly, a child liable to be detained in a certified industrial school to escape from the school ;

Second, directly or indirectly induces such a child so to escape ;

Third, knowingly harbours or conceals a child who has so escaped, or prevents him from returning to school, or knowingly assists in so doing,—

Every such person shall be guilty of an offence against this Act, and shall, on summary conviction thereof before two justices or a magistrate, be liable to a penalty not exceeding twenty pounds, or at the discretion of the justices, to be imprisoned for any term not exceeding two months, with or without hard labour.

*Expenses of Children in Schools.*

Power to treasury to contribute towards custody, &c. of children detained.

35. The commissioners of Her Majesty's treasury may from time to time contribute, out of money provided by parliament for the purpose, such sums as the secretary of state from time to time thinks fit to recommend towards the custody and maintenance of children detained in certified industrial schools ; provided that such contributions shall not exceed two shillings per head per week for children detained on the application of their parents, step-parents, or guardians.

Prison authority may contract for reception of children.

36. In England a prison authority may contract with the managers of a certified industrial school for the reception and maintenance therein of such children as are from time to time ordered by justices to be sent there from the district of the prison authority.

Power to guardians of poor, &c., to contribute.

37. The guardians of the poor of a union or parish, or the board of management of a district pauper school, or the parochial board of a parish or combination, may from time to time, with the consent in England of the poor law board (a) \* \* \* contribute such sums as they think fit, towards the maintenance of children detained in a certified industrial school on their application.

\* \* \* \* \*

Contribution by parent, &c.

39. The parent, step-parent, or other person for the time being legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding five shillings per week.

Order for enforcement of contribution by parent, &c.

40. On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the

(a) See 34 & 35 Vict. c. 70.

detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings per week, as to them or him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school.

Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

In Scotland any such order or decree shall be held to be and to have the effect of an order or decree in each and every week for payment of the sum ordered or decreed to be paid for such week; and under the warrant for arrestment therein contained (which the magistrate is hereby authorized to grant if he sees fit), it shall be lawful to arrest weekly for payment of such weekly sum as aforesaid the wages of the defender due and current, and such arrestment shall attach not only to the wages due and payable to the defender at the date thereof, but also to the wages current for the week or other term or period in which such arrestment is executed, any law or statute notwithstanding.

Every such payment or a proper proportionate part thereof shall go in relief of the charges on Her Majesty's treasury, and the same shall be accounted for as the commissioners of Her Majesty's treasury direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the commissioners of Her Majesty's treasury in respect of that child, the balance shall be accounted for and paid to the managers of the school.

The secretary of state may, in his discretion, remit wholly or partially any payment so ordered.

Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days notice being first given of such application to the inspector or agent, or to such person respectively.

*Discharge, &c., of Children from School.*

41. A person who has attained the age of sixteen years shall not be detained in a certified industrial school, except with his own consent in writing.

42. The secretary of state may at any time order a child to be transferred from one certified industrial school to another,

Detention to  
cease on child  
attaining six-  
teen.

Transfer to  
another school

by secretary  
of state.

but so that the whole period of his detention be not thereby increased.

The secretary of state may also at any time order a child being under sentence of detention in an industrial school established under any other Act of parliament, the general rules for the government whereof have been approved by the secretary of state, to be transferred to a certified industrial school under this Act; and in that case the child shall after the transfer be deemed to be subject in all respects to the provisions of this Act, but so that the whole period of his detention be not by such transfer increased.

The commissioners of Her Majesty's treasury may pay, out of money provided by parliament for the purpose, such sum as the secretary of state thinks fit to recommend, in discharge of the expenses of the removal of any child transferred under the provisions of this Act.

Discharge by  
secretary of  
state.

43. The secretary of state may at any time order any child to be discharged from a certified industrial school or from any industrial school established under any other Act of parliament, the general rules for the government whereof have been approved by the secretary of state, either absolutely or on such condition as the secretary of state approves, and the child shall be discharged accordingly.

\* \* \* \*

### *Miscellaneous.*

Acts regu-  
lating pro-  
cedure.

#### 51. The following Acts—

In England, the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three),  
“to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to Summary Convictions and Orders,” and any Acts amending the same,

\* \* \* \*

shall apply to all offences, payments, and orders in respect of which jurisdiction is given to justices or a magistrate by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary manner or on summary conviction.

Use of forms  
in schedule.

52. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the forms in the schedule to this Act annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

Service of  
notices on  
managers.

53. Any notice may be served on the managers of a certified industrial school by being delivered to any one of them personally, or by being sent by post or otherwise in a letter

addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers, or of their secretary.

54. This Act shall apply to all certified industrial schools being such at the passing of this Act

*	*	*	*	*
				Application of Act to existing certified schools.

THE SECOND SCHEDULE.

## FORMS.

(A.)

*Order sending Child to Industrial School.*

to wit. } BE it remembered, that on the                  day of  
in pursuance of the Industrial Schools Act, 1866, we,  
two of Her Majesty's justices of the peace for the said [county]  
of                  , do order that A. B. of                  (whose religious per-  
suasion appears to us to be                  ), being a child subject to  
the provisions of section                  of the said Act, be sent to  
the                  certified industrial school at                  , and that he be  
detained there during

(Signed) *L. M.*  
*N. O.*

(C.)

*Complaint for enforcing in England Contribution from Parent, &c.*

to wit. } THE complaint of the inspector of industrial schools [or  
as the case may be] made to us, the undersigned, two  
of Her Majesty's justices of the peace for the said county  
of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the same county, who  
says, that one *A. B.* of (\*) the age of \_\_\_\_\_ years, or there-  
abouts, is now detained in the \_\_\_\_\_ industrial school at  
\_\_\_\_\_ in the county of \_\_\_\_\_, under the Industrial Schools Acts,  
1866, and has been duly ordered and directed to be detained  
therein until the \_\_\_\_\_ day of \_\_\_\_\_ : That one *C. B.*, dwelling  
in the parish of \_\_\_\_\_ in the county of \_\_\_\_\_ is the parent [or  
step-parent, &c.] of the said *A. B.*, and is of sufficient ability  
to contribute to the support and maintenance of the said *A. B.*,  
his son: (\*) The said complainant therefore prays that the said  
*C. B.* may be summoned to show cause why an order should  
not be made on him so to contribute.

Exhibited before us,

*J. S.*  
*L. M.*

*C. D.*

(D.)

*Summons to Parent, &c.**(This will be in Form (A.) in Schedule to 11 & 12 Vict. c. 43.)*

(E.)

*Order on Parent, &c., to contribute a Weekly Sum.*

} Be it remembered, that on this                      day of                      at  
 to wit. {                      in the said [county] of                      a certain com-  
 plaint of the inspector of industrial schools [or as the case may  
 be], for that one *A. B.* of, &c. [stating the cause of complainant  
 as in the Form (C.) between the asterisks (\*) (\*)], was duly  
 heard by and before us, the undersigned, two of Her Majesty's  
 justices of the peace in and for the said [county] of                      (in  
 the presence and hearing of the said *C. B.*, if so, or the said  
*C. B.* not appearing to the summons duly issued and served  
 in this behalf); and we, having duly examined into the ability  
 of the said *C. B.* and on consideration of all the circumstances  
 of the case, do order the said *C. B.* to pay to the said inspector  
 [or to an agent of the said inspector] the sum of                      shil-  
 lings per week from the date of this order until the                      day  
 of                      , the same to be paid at the expiration of each [four-  
 teen, or as the case may be, days].

Given under our hands and seals, the day and year first  
 above mentioned, at                      in the [county] aforesaid.

*J. S.*    (L. S.)

*L. M.*    (L. S.)

(F.)

*Distress Warrant for Amount in arrear.*

} To the constable of                      , and to all other peace  
 to wit. {                      officers in the said [county] of

WHEREAS on the hearing of a complaint made by the inspector  
 of industrial schools, [or as the case may be,] that *A. B.* of,  
 &c. [stating the cause of complaint as in the Form (C.) between  
 the asterisks (\*) (\*)], an order was made on the                      day of  
                     , by us the undersigned [or by *L. M.* and *J. H.*], two of  
 Her Majesty's justices of the peace in and for the said [county]  
 of                      against the said *C. B.*, to pay to the said inspector  
 [or as the case may be] the sum of                      per week from the  
 date of the said order until the                      day of                      , the same  
 to be paid at the expiration of each twenty-eight] days [or as the

case may be] (\*): And whereas there is due upon the said order the sum of            being for [*three*] periods of [*fourteen*] days each, and default has been made therein for the space of fourteen days:

These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *C. B.*, and if within the space of [*five*] days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to            the clerk of the justices of the peace for the            of            that he may pay and apply the same as by law directed, and may render the overplus (if any), on demand, to the said *C. B.*; and if no such distress can be found, then that you certify the same to us, to the end that such proceedings may be had therein as the law requires.

Given under our hands and seals, this            day of  
at            in the [*county*] aforesaid.

*J. S.*    (*L. S.*)  
*L. M.*    (*L. S.*)

(G.)

*Commitment in default of Distress.*

to wit. } To the constable of            and to the keeper of the  
          } [*prison*] at            in the said [*county*] of

WHEREAS [*&c., as in the form (F.) to the single asterisk (\*), and then thus*]: And whereas, afterwards, on the            day of            last, I, the undersigned, together with *L. M.*, esquire, [*or J. S. and L. M.*, esquires,] two of Her Majesty's justices of the peace in and for the said [*county*] of           , issued a warrant to the constable of            aforesaid, commanding him to levy the sum of            due upon the said recited order, being for [*three*] periods of [*fourteen*] days, by distress and sale of the goods and chattels of the said *C. B.*: And whereas a return has this day been made to me the said justice [*or the undersigned, one of Her Majesty's justices of the peace in and for the said [county] of*           ], that no sufficient goods of the said *C. B.* can be found:

These are therefore to command you, the said constable of           , to take the said *C. B.*, and him safely to convey to the [*prison*] at            aforesaid, and there deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said [*prison*], to receive the said *C. D.* into your custody in the said [*prison*], there to imprison him for the term of           , unless the said sum, and all costs

and charges of the said distress, and of the commitment and conveying of the said *C. D.* to the said [prison], amounting to the further sum of , shall be sooner paid unto you the said keeper ; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this            day of            in the year of our Lord            , at            in the [county] aforesaid.  
J. S. (L. s.)

\* \* \* \* \*

### 30 VICT. CHAP. 6.

AN ACT for the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries ; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief ; and for other Purposes relating to Poor Relief in the Metropolis.

[29th March, 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

#### *Preliminary.*

Short title.  
Interpreta-  
tion of  
terms.

1. This Act may be cited as The Metropolitan Poor Act, 1867.
2. In this Act—

The term “ the Poor Law Acts ” means the Act of the session of the fourth and fifth years of King William the Fourth (chapter seventy-six) “ for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,” and the Acts extending or amending the same :

The term “ the Poor Law Amendment Act of 1844 ” means the Act of the session of the seventh and eighth years of Her Majesty's reign (chapter one hundred and one) “ for the further Amendment of the Laws relating to the Poor in England.”

Words in this Act have the same meaning as in the Poor Law Acts (*a*).

Limitation of  
Act to the  
metropolis.

3. This Act extends only to unions and Parishes not in union which are wholly or for the greater part thereof respectively included in the metropolis as defined by The Metropolis

(*a*) See 4 & 5 Will. 4, c. 76, s. 109; 12 & 13 Vict. c. 103, s. 21; and 29 & 30 5 & 6 Will. 4, c. 69, s. 9; 5 & 6 Vict. Vict. c. 113, s. 18.  
c. 57, s. 18; 7 & 8 Vict. c. 101, s. 74;

Management Act, 1855; and in this Act the term "the metropolis" means the metropolis as so defined (*b*).

4. Any order of the poor law board under this Act shall not be deemed a general order within the operation of the poor law Acts, although addressed to more than one union or parish (*c*).

Orders of  
poor law  
board.

### *District Asylums.*

5. Asylums to be supported and managed according to the provisions of this Act may be provided under this Act for reception and relief of the sick, insane, or infirm, or other class or classes of the poor chargeable in unions and parishes in the metropolis (and in this Act the term "asylum" means an asylum provided under this Act) (*d*).

Asylums to  
be provided.

6. In order to the provision of asylums, the poor law board may from time to time by order (*e*) combine into districts, unions or parishes, or unions and parishes, in the metropolis, as they think fit, and may from time to time alter any such district by addition, sub-division, separation of part or otherwise (and in this Act the term "the district" means, in relation to each asylum, the district for which that asylum is for the time being provided) (*f*).

Formation of  
districts.

7. For each district there shall be an asylum or asylums, as the poor law board from time to time by order direct.

Number of  
asylums.

8. For the asylum or asylums of each district there shall be a body of managers constituted as in this Act provided, which managers and their successors are hereby incorporated by the name of the managers of the asylum district, and by that name shall be one body corporate, with perpetual succession and a common seal, and with power, subject and according to the orders of the poor law board, to take, hold, and dispose of lands and other property for purposes of the asylum district (and in this Act the term "the managers" means, in relation to each asylum district, the managers thereof for the time being) (*g*).

Managers of  
asylums.

9. The managers shall (subject to the provisions of this Act) partly elective and partly nominated.

Constitution  
of managers.

10. Elective managers shall be from time to time elected by the guardians of each of the several unions and parishes forming the district from among themselves, or from among ratepayers qualified to be guardians therein (*h*), or partly from one and partly from the other (*i*).

Election of  
managers.

(*b*) See 18 & 19 Vict. c. 120, s. 250, and Scheds. A. B. C. ib., s. 250; and 20 Vict. c. 19, s. 3.

(*c*) See 10 & 11 Vict. c. 109, ss. 7, 15; and 31 & 32 Vict. c. 122, s. 1.

(*d*) See sect. 50, *post*; 32 & 33 Vict. c. 63, s. 11; and 30 & 31 Vict. c. 106, s. 22.

(*e*) See 31 & 32 Vict. c. 122, s. 1.

(*f*) See 32 & 33 Vict. c. 63, s. 1.

(*g*) See sects. 9 to 12, *post*.

(*h*) See 4 & 5 Will. 4, c. 76, s. 38; and 30 & 31 Vict. c. 106, s. 4.

(*i*) See 31 & 32 Vict. c. 122, s. 8; 5 & 6 Vict. c. 57, ss. 8—15; 32 & 33 Vict. c. 63, ss. 6, 7; and 32 & 33 Vict. c. 67, s. 45 (*3*).

Nomination  
of managers.

11. Nominated managers shall be from time to time nominated by the poor law board from among justices of the peace for any county or place *resident in the district* (a), or from among ratepayers resident in the district and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other (b).

Number,  
qualifica-  
tions, &c. of  
managers.

12. The poor law board shall from time to time by order prescribe the total number of the managers, and the proportion of the elective and nominated managers (but so that the prescribed number of the nominated managers do not ever exceed one third of the prescribed number of the elective managers), the number of elective managers to be elected for each union or parish in the district, the qualifications of the managers, their tenure of office, the mode and times of election, and the quorum for their meetings (b).

Validity of  
Acts of  
managers  
notwith-  
standing  
vacancies.

13. Any act or proceeding of the managers shall not be invalid by reason only of any vacancy in their body, or by reason only of any failure to elect or nominate or any defect or irregularity in or about the election or nomination of any person to be manager, or by reason only of the want of qualification or disqualification of any person acting as manager; and the managers shall be deemed lawfully constituted, and shall act, notwithstanding any such vacancy, failure, defect, irregularity, want of qualification, or disqualification (c).

Prohibition  
against  
managers  
being con-  
cerned in  
contracts.

14. The provisions of the Poor Law Acts imposing penalties on guardians and their officers if concerned for their own profit in providing or in any contract for the supplying of anything for the use of workhouses or otherwise for the support or maintenance of the poor, and all remedies for recovery of such penalties, shall extend and apply to the managers and their officers (d).

Building for  
asylum.

15. The poor law board may from time to time by order direct the managers to purchase or hire, or to build, and (in either case) to fit up a building or buildings for the asylum, of such nature and size, and according to such plan, and in such manner, as the poor law board think fit, and the managers shall carry such directions into execution (e).

As to the  
purchase or  
hiring of  
lands, &c.  
by managers.

16. The managers shall have for the purposes of the asylum the like powers as are for the time being vested in guardians of unions or parishes in the metropolis relative to the purchase or hiring of lands or buildings; but the consent of any ratepayers or owners of property in a union or parish shall not be

(a) The words "resident in the district" are repealed by 31 & 32 Vict. c. 122, s. 9.

(b) See 31 & 32 Vict. c. 122, s. 8; 5 & 6 Vict. c. 57, ss. 8—15; 32 & 33 Vict. c. 63, ss. 6, 7; and 32 & 33 Vict. c. 67, s. 45 (3).

(c) See 5 & 6 Vict. c. 57, ss. 12, 13;

31 & 32 Vict. c. 122, s. 8; 5 & 6 Vict. c. 57, ss. 8—15; 32 & 33 Vict. c. 63, ss. 6, 7; and 32 & 33 Vict. c. 67, s. 45 (3).

(d) See 55 Geo. 3, c. 137, s. 6; 4 & 5 Will. 4, c. 76, ss. 51, 77.

(e) See 32 & 33 Vict. c. 63, s. 11; and 34 Vict. c. 15.

necessary with respect to any sale, lease, or other disposition of any workhouse, building, or land by guardians or overseers to the managers (*f*).

17. The managers may borrow money for purchasing lands or buildings, and for building, fitting up, and furnishing buildings erected or hired for the asylum, according to the provisions of the Poor Law Acts under which guardians are for the time being empowered to borrow money, and may charge the poor rates of the unions and parishes forming the district with the money so borrowed, and interest, subject and according to the following provisions (*g*):

Power to borrow money for purposes herein named.

(1.) The amount borrowed shall not exceed one third of the aggregate annual expenditure on the relief of the poor within the whole district (exclusive of reimbursements) for the period of three years ending on the twenty-fifth day of March next preceding the borrowing of the money:

(2.) *The amount borrowed shall be charged on the poor rates of the several unions and parishes forming the district in the proportions in which they contribute to the maintenance of the asylum (h):*

(3.) The amount borrowed shall be paid off, with interest, by equal annual instalments not exceeding twenty (*i*).

18. The poor law board may by order direct that any building for the time being in use as a workhouse be, with such alterations as the poor law board think fit, used for the asylum, and thenceforth that building shall be for the common use of the district accordingly; and an annual sum in the nature of rent or other compensation of such amount as the poor law board from time to time direct shall be paid to the guardians of the union or parish to which such building belongs, as long as the same continues to be so used.

Adaptation of existing workhouses for asylums.

19. If in any such case the managers expend any money in the improvement or enlargement of the building, or the providing of substantial fittings therein, and afterwards relinquish the use thereof, the poor law board may, if they think fit, make an adjustment in respect of that expenditure between the owners of the building and the managers, and direct such amount as they think equitable to be reimbursed to the managers by the owners of the building, to be paid at once or by instalments as the poor law board direct.

Reimbursement to managers of expenditure.

20. The managers shall from time to time provide for the asylum necessary fixtures, furniture, and conveniences, and

Furniture, &c. for asylum.

(*f*) See 4 & 5 Will. 4, c. 76, ss. 21, 32 & 33 Vict. c. 102, s. 37; and 23; 5 & 6 Will. 4, c. 69; 1 Vict. 33 Vict. c. 2, s. 7.

(*g*) See 4 & 5 Will. 4, c. 76, ss. 23, 32 & 33 Vict. c. 63, s. 9.

(*h*) Sub-section (2) is repealed by 24; 5 & 6 Will. 4, c. 69; 7 & 8 Vict. 32 & 33 Vict. c. 45, s. 5; c. 101, s. 30; 14 & 15 Vict. c. 105, 32 & 33 Vict. c. 102, ss. 37, 38; and s. 7; 31 & 32 Vict. c. 122, s. 35; 34 Vict. c. 11.

such as the poor law board from time to time by order direct (a).

Mode of admission into asylum.

21. The mode of admission of persons into the asylum shall be such as the poor law board from time to time by order direct.

Powers and duties of managers in respect of inmates.

22. The managers shall have the like powers as guardians for the relief, maintenance, and management of the inmates of the asylum, and shall from time to time provide such medicines, appliances, and requisites for the medical and surgical care and treatment of the inmates, and cause the same to be furnished and used according to such rules, as the poor law board from time to time by order direct (b).

Application of parts of 7 & 8 Vict. c. 101, as herein named.

23. The following provisions of the Poor Law Amendment Act of 1844 shall extend to the asylum as if it were an asylum under that Act or a workhouse, and as if the managers were a district board under that Act, that is to say,—

So much of section forty-three as relates to rules of the poor law board for the government of the asylum or its inmates, and to religious assistance and instruction :

Sections fifty, fifty-four, fifty-seven, and fifty-nine.

Chargeability, &c. of inmates.

24. With reference to chargeability, burial (c), and other incidents, the asylum shall in relation to each inmate thereof be deemed to be in the union or parish from which such inmate is sent ; but births and deaths in the asylum shall be registered by the registrar in whose district the asylum is situate.

Appointment, &c. of paid officers.

25. The managers shall have the like powers as guardians for the appointment, control, and payment of paid officers of the asylum, and the grant of superannuation allowances to them (d).

The duties, number, and salaries of the paid officers, and the securities to be given by them, shall be such as the poor law board may from time to time approve or by order direct.

Enforcement of orders of managers.

26. Legal and reasonable orders of the managers shall be obeyed, and obedience thereto shall be enforced, in like manner and by and under like remedies and penalties as legal and reasonable orders of guardians (e).

(a) See 33 & 34 Vict. c. 18, s. 1 (4).

27 & 28 Vict. c. 42 ; 29 & 30 Vict.

(b) See 4 & 5 Will. 4, c. 76, s. 42 ;  
and 30 & 31 Vict. c. 106, s. 22.

c. 113, ss. 1, 2, 3 ; 30 & 31 Vict. c. 106,  
ss. 18, 19, 20, 22.

(c) See 7 & 8 Vict. c. 101, s. 31.

(e) See 4 & 5 Will. 4, c. 76, ss. 95, 99.

(d) See 4 & 5 Will. 4, c. 76, s. 46 ;

#### COMPENSATION FOR LOSS OF OFFICE.

Decision on  
sect. 20.

In awarding compensation for loss of office under 30 & 31 Vict. c. 106, s. 20, the poor law board rightly included the profit of business derived by the clerk to the guardians for exceptional business performed at a sheriff's inquisition, for which he might reasonably charge and be paid within the spirit of Art. 3 of the consolidated order of the board, dated 26th February, 1866 : *Reg. v. The Poor Law Board*, in re *Baylis*, 25 L. T. (N.S.) 304 ; L. R. 6 Q. B. 785.

27. The managers may from time to time, subject and according to such regulations as the poor law board from time to time by order prescribe, appoint committees of members of their body, and delegate to them any of the powers of the managers. Committees of managers.

28. The managers shall, in the exercise and discharge of all their powers and duties, be subject to orders of the poor law board in like manner as guardians are under the Poor Law Acts. Orders of poor law board as to managers.

29. Where the asylum is provided for reception and relief of the sick or insane it may be used [*for purposes of medical instruction,*] (f) and for the training of nurses, in such cases and manner and subject to such regulations as the poor law board from time to time by order direct. Use of asylums as medical schools.

30. Where the asylum is provided for reception and relief of the insane the commissioners in lunacy may, if they think fit, depute one of their body or appoint from time to time a special commissioner, and the person so deputed or appointed shall be entitled to attend meetings of the managers and to take part in their proceedings, but not to vote; and every such asylum shall be considered as a workhouse within the meaning of the Lunacy Acts as defined by the twenty-fifth and twenty-sixth Victoria, chapter one hundred and eleven (g). Representative of commissioners in lunacy.

31. Expenses incurred by the managers in or about the purchasing, hiring, building, repairing, and fitting up of buildings for the asylum, and any sum in the nature of rent or other compensation, payable by the managers to guardians, in respect of the use for the asylum of a building previously used as a workhouse, and expenses incurred by the managers in or about the providing of fixtures, furniture, conveniences, medicines, medical and surgical appliances, and other necessities required for keeping the asylum in proper order for daily use, and the salaries and maintenance of the officers thereof, shall be defrayed by contributions from the unions and parishes forming the district. Expenses of providing asylum and salaries.

32. Expenses incurred by the managers in or about the food, clothing, maintenance, care, treatment, and relief, or for the burials, of inmates of the asylum shall be separately charged to the respective unions or parishes from which the inmates of the asylum are sent (h). Charges for maintenance, &c.

33. The poor law board shall appoint some person to be the auditor of the district, who shall audit the accounts of the managers and of their officers; and those accounts shall accordingly be prepared for and submitted to the auditor at such times and in such manner as the accounts of guardians of unions are by the Poor Law Acts required to be prepared and submitted (i). Audit of accounts.

(f) See 32 & 33 Vict. c. 63, s. 20, which repeals the part of this section within brackets. (i) See 10 & 11 Vict. c. 109, s. 8; 11 & 12 Vict. c. 91, s. 10; 12 & 13 Vict. c. 103, s. 8; 31 & 32 Vict. c. 122, s. 24; and 32 & 33 Vict. c. 63, s. 10.

(g) See 25 & 26 Vict. c. 111, s. 31.

(h) See sects. 55, 56, 69, *post*.

Powers of  
auditor.

34. The auditor shall have the like powers of allowing and disallowing accounts, and of making surcharges therein, as auditors appointed under the Poor Law Acts have for the time being; and sums disallowed, reduced, or surcharged in the accounts submitted to the auditor shall be recoverable in like manner as under the Poor Law Acts; and there shall be the like appeal to the Court of Queen's Bench or to the poor law board against an allowance, disallowance, or surcharge made by the auditor, as in case of the audit of union or parish accounts (a).

Circulation  
of abstract  
of accounts.

35. Within one month after each audit the managers shall deliver by post or otherwise, to each board of guardians in the district a printed abstract (in a form from time to time prescribed by the poor law board) of the accounts as audited.

Remunera-  
tion of  
auditor.

36. The remuneration of the auditor shall from time to time be fixed by the poor law board by order, and, with his expenses, shall be paid as the salaries and expenses of auditors appointed under the Poor Law Acts are for the time being payable (b).

Removal and  
new appoint-  
ment of  
auditor.

37. The poor law board may remove an auditor as they think fit, and on a vacancy shall appoint a qualified person to fill the vacancy; and the powers of providing temporarily for a vacancy, and of appointing a substitute or a deputy, given by the Poor Law Acts in relation to auditors thereunder, shall apply in relation to an auditor under this Act (c).

### *Medical Out-door Relief.*

Building for  
dispensary.

38. The poor law board may from time to time, by order, direct the guardians of a union or parish in the metropolis to provide a dispensary or dispensaries for such union or parish, and to purchase or hire, or to build, and (in either case) to fit up and furnish a building or buildings for that purpose, of such nature and size, and according to such plan, and in such manner as the poor law board think fit, or to set apart, adapt, fit up and furnish for that purpose such part of the workhouse of the union or parish, according to such plans, and in such manner, as the poor law board think fit, and the guardians shall act accordingly; and, where the poor law board by order so direct, the guardians may borrow the amount requisite in that behalf, in like manner and subject to the like conditions as in the case of the building of a workhouse (d).

Dispensary  
committee.

39. There shall be a committee of management for the dispensary or dispensaries in each union or parish, to be called the dispensary committee for the union or parish (and in this

(a) See as to auditor's powers, 7 & 8 Vict. c. 101, s. 32; 11 & 12 Vict. c. 91, ss. 5, 8, 9; 12 & 13 Vict. c. 103, s. 9; as to appeals, 7 & 8 Vict. c. 101, ss. 35, 36; 11 & 12 Vict. c. 91, s. 4.

(b) See 31 & 32 Vict. c. 122, s. 25.

(c) See 10 & 11 Vict. c. 109, s. 8; 11 & 12 Vict. c. 91, s. 10; 12 & 13 Vict. c. 103, s. 8; 31 & 32 Vict. c. 122, s. 24; and 32 & 33 Vict. c. 63, s. 10.

(d) See sect. 16, *ante*; and 32 & 33 Vict. c. 63, s. 14.

Act the term "the dispensary committee" means, in relation to each union parish, the dispensary committee for the same for the time being).

40. The dispensary committee shall be elected by the guardians of the union or parish from among themselves, or from among rate-payers of the union or parish assessed to the poor rate on an annual rateable value of not less than forty pounds, or partly from one and partly from the other (e). Election of committee.

41. The poor law board shall from time to time prescribe with respect to each committee the number and tenure of office of the members, the mode and times of election, and the quorum for their meetings. Number, &c. of committee.

42. The guardians of each union or parish providing a dispensary shall also provide, according to the directions of the poor law board, proper places where the medical officers of the union or parish may see such of the sick poor as attend there for advice, and where meetings of the dispensary committee may be held. Places for seeing sick poor, &c.

43. The dispensary committee shall from time to time appoint and shall at all times keep appointed proper persons to be dispensers of medicine at the dispensaries for the union or parish, and may from time to time appoint such other officers and such servants for the purposes of those dispensaries as they think fit. Appointment of dispensers, &c.

The duties, qualifications, number, and salaries of the dispensers, officers, and servants shall be such as the poor law board may from time to time approve or by order direct.

44. The guardians of each union or parish providing a dispensary shall from time to time, on the requisition of the dispensary committee, provide proper medicines and appliances and requisites for the care and surgical treatment of the sick poor of the union or parish relieved out of the workhouse, and the same shall be dispensed and furnished to such of the poor entitled to relief as require the same, on the prescription or written direction of the district medical officer, subject to such regulations as the poor law board from time to time by order direct. Provision and dispensing of medicines, &c.

45. The district medical officers for a union or parish shall be from time to time appointed by the dispensary committee, subject to the rules and orders of the poor law board respecting appointment and removal of officers under the Poor Law Acts; but the district medical officers in office at the time of the dispensary committee entering on their duties shall continue in office as if this Act had not been passed, subject nevertheless to such modifications of arrangements respecting their duties and remuneration, made with them before the passing of this Act, as the poor law board think fit. Appointment of district medical officers.

46. For giving effect to the provisions of this Act relating to medical relief out of the workhouse, the poor law board may from time to time vary as they think fit medical districts, salaries, and Modification of districts, salaries, and

contracts with district medical officers, existing at the passing of this Act or at any time thereafter.

*District and Separate Schools.*

Certain provisions as to charge of expenses of buildings, &c. as in 7 & 8 Vict. c. 101, s. 47. 13 & 14 Vict. c. 11, repealed.

47. So much of section forty-seven of the Poor Law Amendment Act of 1844 and of the Act of the session of the thirteenth and fourteenth years of Her Majesty's reign (chapter eleven), "to make better Provision for the Contributions of Unions and Parishes in School Districts to the Common Funds of the respective Districts," as provides for payment by unions as therein mentioned of expenses incurred by any district board in the purchase or hire of any land or buildings for a school, or in erecting, repairing, adding to, or fitting up any building, and the salaries of the officers and servants of the establishment, and other common charges of the school, shall, from the twenty-ninth day of September next, as far as those provisions relate to a district in the metropolis, be repealed; but this repeal shall not affect the mode of payment of any such expenses or salaries incurred or accrued due up to that day inclusive, or the payment of any mortgage or other debt incurred by any district board in respect thereof, or the validity or effect of any mortgage or security given by any district board for any such debt; and all such expenses and salaries, and every such debt, shall be paid and remain charged as if this Act had not been passed (a).

Charges for buildings and salaries of officers of district schools.

48. Expenses incurred by a district board constituted under the Poor Law Amendment Act of 1844, for the maintenance of a district school for a district in the metropolis in the purchase or hire of land or buildings for the school, and the salaries of officers, and all other common charges of such school, shall, from the said twenty-ninth day of September next, be defrayed by contributions from the unions and parishes forming the district, as in this Act provided (b).

Addition of nominated members to district board.

49. The poor law board may from time to time nominate to be members of such a district board such persons as they think fit from among justices of the peace for any county or place resident in the district of the school, or from among ratepayers resident in that district, and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other, but so that the number of members so nominated do not ever exceed one-third of the full number of the elected members of the board.

*Workhouses for Classes of Poor.*

Reception in workhouses of poor

50. Where, in the opinion of the poor law board, the workhouse of a union or parish in the metropolis is adapted only for

(a) See 7 & 8 Vict. c. 101, ss. 40, 14 & 15 Vict. c. 105, ss. 16, 17; 29 42, 43, 44, 45, 46, 47, 49, 51; 11 & 12 & 30 Vict. c. 113, s. 16.  
 Vict. c. 82; 13 & 14 Vict. c. 11, (b) See 32 & 33 Vict. c. 63, s. 11.  
 s. 1; 13 & 14 Vict. c. 101, s. 3;

the reception of poor persons of a particular class or particular classes, but is capable of accommodating poor persons of that class or those classes from any other union or parish within the metropolis, the poor law board may by order direct the guardians of the union or parish to which the workhouse belongs to receive, lodge, and maintain therein poor persons of that class or those classes, or any of them, and the guardians shall receive, lodge, and maintain such poor persons accordingly on terms to be agreed on, with the approval of the poor law board, by the respective boards of guardians of the unions or parishes concerned, or, in default of such agreement, to be prescribed by the poor law board by order; and in every such case the following provisions shall have effect (c):

- (1.) Every poor person so received into the workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same or the like regulations and liabilities, as the other poor persons therein, and shall be chargeable in the first instance to the union or to the parish in the workhouse whereof he is received:
- (2.) The abiding of any such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if the workhouse were situate within the union or parish from which he is sent:
- (3.) Every guardian of the union or parish from which such poor person is sent may at all reasonable times enter the workhouse and inspect any part thereof.

#### *Lands.*

51. The provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter sixty-nine) "to facilitate the Conveyance of Workhouses and other Property of Parishes, and of Incorporations or Unions of Parishes, in England and Wales," relative to the acquisition of sites or buildings for workhouses, and of all Acts extending or amending the same, shall apply to lands and buildings required to be purchased, hired, or otherwise acquired for any of the purposes of this Act, and shall have effect as if managers under this Act were guardians, and as if an asylum or dispensary were a workhouse.

Provisions of 5 & 6 Will. IV. c. 69, herein named to apply.

52. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Acts Amendment Act, 1860 (in this Act referred to as the Lands Clauses Acts) are hereby incorporated with this Act, and for the purposes of this Act the term the promoters of the undertaking used in those Acts shall mean managers or guardians desirous of purchasing lands for purposes of this Act; and in those Acts and this Act the term lands shall include any estate, term, easement, right, or interest in, over, or affecting lands (d).

Certain parts of 8 & 9 Vict. c. 18, and 23 & 24 Vict. c. 106, incorporated.

(c) See 32 & 33 Vict. c. 63, s. 17. found in Glen's Railway Laws, vol. 2.

(d) See 31 & 32 Vict. c. 122, s. 35. They are also in Glen's Law of Public Health and Local Government, the decisions upon them, will be 5th edition.

Provisions as to compulsory purchase of land.

53. So much of the Lands Clauses Acts as relates to the purchase of lands otherwise than by agreement shall not be put in force except for the purchase of lands for the purpose of enlarging a workhouse, hospital, or school existing at the passing of this Act, and then not without a previous order of the poor law board directing such purchase.

Notice of application as to lands.

54. Before the poor law board make any such order the managers or guardians applying to them for the same shall publish once at least in each of four consecutive weeks in a daily morning newspaper published in the metropolis an advertisement stating the object for which the lands are proposed to be taken, and the quantity of lands required, and the place where a plan of the lands is open for inspection at reasonable hours, and shall four weeks before the application to the poor law board serve notices on the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, stating the particulars thereof, and that the managers or guardians are willing to treat for purchase thereof.

### *Contributions of Unions and Parishes.*

Basis of contributions.

55. Sums to be contributed under this Act by unions and parishes shall be assessed on and contributed by them respectively in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the poor law board from time to time direct.

Calls for contributions by managers and district boards.

56. The managers of an asylum under this Act, and the district board constituted under the Poor Law Amendment Act of 1844 for the maintenance of a district school, shall from time to time call on the guardians of the unions and parishes forming the district for such contributions as the managers or district board consider requisite for the purposes of the asylum or school.

Notice of call for contribution.

57. Notice in writing of the amount of every such contribution, purporting to be signed by the clerk or other officer of the managers or district board (in a form from time to time prescribed by the poor law board by order), shall fourteen days at least before such contribution becomes due be delivered to the clerk or acting clerk of the guardians of each union and parish liable to the contribution, either by post in a letter addressed to him at the office of the union or parish or otherwise.

Remedies for recovery of contributions.

58. If the contribution is not duly paid the managers or district board shall (in addition to any other remedy which any person has for the time being against guardians) have the like remedy for recovery of the contribution, or of so much thereof as is not paid, from the overseers or other officers authorized to levy poor rates in the several parishes (whether comprised

in a union or not) in the district, as guardians have for the time being for recovery from overseers of contributions of parishes; and if the overseers of any parish in a union pay any money to the managers or district board on account of such contribution they shall be entitled to credit for such payment in the accounts of the union with their parish (a).

### *Medical In-door Relief.*

59. In order to facilitate provision for the appointment, where requisite, of resident workhouse medical officers, and for better classification and management of the sick poor in a separate hospital or building, or in an infirmary kept distinct from the rest of the workhouse, the poor law board may, by order, determine, or from time to time vary as they think fit, any contract with any medical or other workhouse officer existing at the passing of this Act, and direct the guardians to pay to a medical or other officer affected thereby such compensation by way of increased salary, or of an annuity, or of a gross sum or otherwise, as the poor law board think fit.

Determination or variation of contracts with workhouse medical officers.

### *Houseless Poor.*

60. Sections one and two of the Metropolitan Houseless Poor Act, 1864 (b), shall from and after the twenty-ninth day of September one thousand eight hundred and sixty-seven be repealed, except with respect to any claims under that Act then outstanding, which shall be provided for as if that Act continued wholly in force.

Repeal of reimbursement by metropolitan board.

### *Metropolitan Common Poor Fund.*

61. There shall be a fund, called The Metropolitan Common Poor Fund, raised according to the provisions of this Act by contributions from the several unions, parishes, and places in the metropolis (in this Act referred to as the common poor fund) (c).

Establishment of metropolitan common poor fund.

62. There shall be a receiver of the common poor fund (in this Act referred to as the receiver), who shall be from time to time appointed by and shall be removable by the poor law board, and shall receive such salary and give such security (if any) as the poor law board direct.

Appointment of receiver of common fund.

63. The receiver shall open an account with the governor and company of the Bank of England, intituled the account of the receiver of the metropolitan common poor fund for the time being.

Receiver to open account at Bank of England.

(a) See 2 & 3 Vict. c. 84, s. 1; 7 & 8 Vict. c. 101, s. 63; 12 & 13 Vict. c. 103, s. 7. (b) See 27 & 28 Vict. c. 116; and 28 Vict. c. 34. (c) See 32 & 33 Vict. c. 63, s. 23.

Assessment of contributions to common fund.

64. The poor law board shall from time to time assess on the several unions and parishes in the metropolis the amounts of their respective contributions to the common poor fund, in proportion to the annual rateable value of the property therein comprised, to be determined according to the valuation lists, or, where there are none, according to the latest poor rate for the time being for the union or parish, or on such other basis as the poor law board from time to time direct (a).

Collection of common fund.

65. The poor law board shall from time to time issue to the guardians of each union or parish a precept under the seal of the board requiring them to pay the amount of their contribution therein specified, in the manner and within the time therein prescribed, and the guardians shall accordingly raise the amount of their contribution out of the poor rates of the union or parish, and shall pay the same into the Bank of England to the credit of the account of the receiver; and no such precept shall be liable to be removed into any court of law by *certiorari* or otherwise, nor shall any order of the guardians, or any rate made after the passing of this Act, be liable to question in any such court on the ground of its having been made wholly or partly in furtherance of any such precept: Provided always, that the guardians shall be entitled to have credit in part payment of their contribution for the amount which may be repayable to them out of the common poor fund, under the precept of the poor law board, as hereinafter mentioned, in respect of expenditure during the preceding half year.

Collection of contributions by local authority where no poor rate.

66. In order to obtain payment of the amount of the contribution to the common poor fund payable in respect of any place where there is no poor rate, the poor law board shall from time to time issue to the masters of the bench, treasurer, governors, or other body or persons having the chief control or authority there, a precept requiring them or him to pay the amount of contribution therein specified, in the manner and within the time therein prescribed, and they or he shall pay the same accordingly (b).

Levying of rate by local authority.

67. In every such place the masters of the bench, treasurer, governors, or other body or persons, may levy on the several persons occupying rateable property therein the amount of contribution so paid by them or him by means of a rate in the nature of a poor rate, and for that purpose may employ and remunerate collectors, and shall have the like powers as are for the time being vested in overseers for the purposes of the making, assessing, levying, and collecting of poor rate (c).

Remedies for recovery of contributions.

68. If any contribution to the common poor fund required by the poor law board to be paid by any guardians, masters of the bench, treasurer, governors, or other body or persons, is not duly paid, the receiver shall (in addition to any other remedy

(a) See 32 & 33 Vict. c. 67, s. 45.

(c) See 32 & 33 Vict. c. 67, s. 59

(b) See 20 Vict. c. 19, s. 3; and (5).

32 & 33 Vict. c. 67, s. 59 (5).

which any person has for the time being against guardians) have the like remedy for recovery from them or him, in the receiver's own name, of the contribution, or of so much thereof as is not paid, as guardians have for the time being for recovery from overseers of contributions of parishes; and for that purpose the precept of the poor law board requiring the contribution shall be conclusive evidence of the amount thereof and of the liability thereto of the party sued (*d*).

69. Expenses incurred for the following purposes after the twenty-ninth day of September, one thousand eight hundred and sixty-seven shall be repaid out of the common poor fund, that is to say (*e*),—

Application of  
common fund.

- (1.) For the maintenance of lunatics in asylums, registered hospitals, and licensed houses, and of insane poor in asylums under this Act, except such expenses as are chargeable on the county rate (*f*):
- (2.) For the maintenance of patients in any asylum specially provided under this Act for patients suffering from fever or smallpox (*e*):
- (3.) For all medicine and medical and surgical appliances supplied to the poor in receipt of relief by guardians under this Act or any of the Poor Law Acts (*g*):
- (4.) For the salaries of all officers employed by the guardians in and about the relief of the poor by the managers of district schools under "The Poor Law Amendment Act, 1844," and by the managers of asylums under this Act, and also the salaries of the dispensers and other persons employed in dispensaries under this Act, provided the appointments of the officers have been sanctioned by the poor law board (*h*):
- (5.) For compensation to any medical officer of a workhouse affected by the determination or variation by the poor law board of a contract respecting medical relief in the workhouse, or for compensation to any officer of a union or parish who may be deprived of his office by reason of the operation of this Act (*i*):
- (6.) For fees for registration of births and deaths (*k*):
- (7.) For fees for and other expenses of vaccination (*l*):
- (8.) For maintenance of pauper children in district, separate, certificated, and licensed schools (*m*):
- (9.) For relief of destitute persons certified by the auditor, and provision of temporary wards or other places of reception approved by the poor law board, the Metropolitan Houseless Poor Acts of 1864 and 1865.

7 & 8 Vict.  
c. 101.

27 & 28 Vict.  
c. 116.

28 & 29 Vict.  
c. 34.

(*d*) See 32 & 33 Vict. c. 67, s. 59

(*i*) See sects. 45, 46, *ante*, and sect. 76, *post*.

(*e*) See 33 & 34 Vict. c. 18, s. 1.

(*k*) See 6 & 7 Will. 4, c. 86, s. 29.

(*f*) See 16 & 17 Vict. c. 97, s. 98; and 33 & 34 Vict. c. 18, s. 1.

(*l*) See 30 & 31 Vict. c. 84; and 32 & 33 Vict. c. 63, s. 15.

(*g*) See 32 & 33 Vict. c. 63, s. 14; and 32 & 33 Vict. c. 67, s. 59 (*5*).

(*m*) See 7 & 8 Vict. c. 101, s. 40.

(*h*) See 33 & 34 Vict. c. 18, s. 2.

(*n*) See 25 & 26 Vict. c. 43, s. 2.

(*o*) See 29 & 30 Vict. c. 118.

Mode of re-  
payment out  
of common  
fund.

70. After each half-yearly audit the auditors shall, within such time and in such manner as the poor law board from time to time direct, certify to the poor law board the amount actually expended by each union or parish in respect of expenses which are to be repaid out of the common poor fund; and the poor law board shall, by precept under the seal of the board, direct the receiver to repay out of that fund to the guardians of the unions and parishes the several sums so expended, and the amount repaid shall be applied by them in aid of the fund chargeable with the relief of the poor (a).

Receiver's  
salary, &c.

71. The salaries of the receiver and his assistants, and all expenses incurred by him in the execution of this Act, shall be paid out of the common poor fund.

Drawing on  
receiver's  
account.

72. The account of the receiver at the Bank of England shall be drawn on in such manner and according to such regulations as the poor law board from time to time by order direct (b).

#### *Poor Relief under Local Acts.*

Constitution  
of guardians  
for parishes  
under local  
Acts.

73. The relief of the poor of every union or parish in the metropolis governed by a local Act shall, from and after a day to be stated in an order of the poor law board in relation to each union or parish, be, notwithstanding anything in such local Act, administered by a board of guardians elected according to the Poor Law Acts, and in conformity with an order of the poor law board.

Powers of  
new board of  
guardians.

74. The guardians so constituted under this Act, notwithstanding anything in any local Act, shall have the same powers and authorities, and shall be subject to the same orders, regulations, and restrictions, as guardians elected under the Poor Law Acts (c).

Transfer of  
property to  
new guar-  
dians.

75. The workhouses, goods, effects, and real and personal property belonging to a union or parish governed by a local Act, and held or used for purposes of the relief of the poor or of the business of guardians, shall by virtue of this Act be transferred to and vested in and belong to the guardians of the union or parish when constituted under this Act, and shall be held and used for purposes of such relief and business, and upon such other trusts and for such other purposes as would have been applicable to the same if this Act had not passed; and those guardians shall pay and discharge the debts and liabilities lawfully incurred in and about such relief, or otherwise due from the previous guardians of the union or parish, as the same ought to have been paid and discharged by the previous guardians if this Act had not been passed; provided that the poor law board may, if they think fit, by order, extend the time of payment of any such debt for a period not exceeding six months from the date of the order (d).

(a) See 33 & 34 Vict. c. 18, s. 1.      Vict. c. 106, s. 2; and 31 & 32 Vict.

(b) See sect. 63, *ante*.      c. 122, s. 3.

(c) See sect. 77, *post*; 30 & 31      (d) See 32 & 33 Vict. c. 63, s. 5.

76. Officers and persons appointed or acting under any such local Act for any purpose of the relief of the poor, or otherwise in the service of the guardians, and superintendent registrars of births, deaths, and marriages, and registrars of births and deaths, and registrars of marriages, shall be entitled to continue in office after the constitution of the new board of guardians under this Act to the same extent as if this Act had not been passed; and their service before the constitution of that board shall be reckoned in the computation of any superannuation allowance to which they may become entitled: Provided that in case any officer of a union or parish shall be deprived of his office by reason of the operation of this Act, the poor law board may award to him such compensation for the loss of his office and its emoluments, either by way of gross sum or by way of annuity, as to them shall seem reasonable (e).

Continuance of existing officers.

77. Nothing in this Act shall deprive any body constituted under a local Act of any power thereby vested in them of making and levying poor rates; and in relation to guardians constituted under this Act every such body shall be deemed overseers within the Poor Law Acts as far as regards liability to payment of contributions required by guardians for purposes of the relief of the poor in the union or parish (f).

Saving for rating powers of existing bodies.

78. So much of section sixty-four of the Poor Law Amendment Act of 1844 as prevents the union of parishes governed by local Acts, without consent of the guardians, and section sixty-five of that Act, are hereby repealed as far as they relate to the metropolis.

Part of sects. 64, and 65 of 7 & 8 Vict. c. 101, repealed.

#### *Boards of Guardians.*

79. The poor law board may from time to time nominate to be members of a board of guardians of a union or parish in the metropolis (whether elected under the Poor Law Acts or constituted under this Act) such persons as they think fit from among justices of the peace for any county or place resident in the union or parish, or from among ratepayers resident therein (g) and assessed to the poor rate therein on an annual rateable value of not less than forty pounds, or partly from one and partly from the other, but so that the number of guardians so nominated do not, together with the *ex officio* guardians, ever exceed one third of the full number of the elected guardians.

Power to poor law board to nominate additional guardians.

#### *Officers.*

80. In case at any time any managers of an asylum or dispensary committee under this Act, or any board of guardians of a union or parish in the metropolis, fail for fourteen

Appointment of officers on failure of managers, &c.

(e) See 32 & 33 Vict. c. 63, s. 8, and also 30 & 31 Vict. c. 106, s. 20; 31 & 32 Vict. c. 122, s. 15; and (f) See 30 & 31 Vict. c. 106, s. 2; and 31 & 32 Vict. c. 122, s. 3. (g) See 31 & 32 Vict. c. 122, s. 9. 32 & 33 Vict. c. 63, s. 19.

days after receipt of a requisition of the poor law board in this behalf, to appoint (either originally or on a vacancy) any officer whom they are by law required or authorized to appoint, then at any time after the expiration of that period of fourteen days the poor law board may, if they think fit, by order, appoint a fit person to be such officer; and the person so appointed shall have and perform all the same powers, rights, privileges, and duties as if the appointment had been duly made by the managers, committee, or guardians, as the case may be.

### *Borrowing.*

Extension of borrowing powers.

81. Where the guardians of a union or parish in the metropolis require to borrow money for the purposes and under the authority of the Poor Law Acts, the principal sum borrowed may be any sum not exceeding one half of the aggregate amount of the rates raised for the relief of the poor in that union or parish within three years ending on the twenty-fifth day of March next preceding the borrowing of the money, anything in the said Acts to the contrary notwithstanding (a).

Provision for orders of removal and of maintenance.

82. Nothing in this Act contained shall prevent any board of guardians or churchwardens and overseers from obtaining any order of removal or any order of maintenance in respect of any pauper by reason of the costs and expenses of such pauper being repaid out of the common fund.

## 30 VICT. CHAP. 12.

AN ACT to amend the Law relating to Criminal Lunatics.

[12th April, 1867.]

WHEREAS it is expedient to amend the Law relating to Criminal Lunatics: \* \* \*

Short title.

1. This Act may be cited for all purposes as "The Criminal Lunatics Act, 1867."

Definition of criminal lunatic.

2. "Criminal Lunatic" shall mean for the purposes of this Act any of the persons following; that is to say,

1. Any person for whose safe custody during Her pleasure Her Majesty is authorized to give order:

2. Any person whom one of Her Majesty's principal secretaries of state is authorized by law to direct to be removed to a lunatic asylum under any Act of parliament:

3. Any person sentenced or ordered to be kept in penal servitude who may be shown to the satisfaction of the secretary of state to be unfit from imbecility of mind for penal discipline.

Application of Act.

3. This Act shall not apply to Scotland or Ireland.

(a) See 4 & 5 Will. 4, c. 76, s. 24; 7 & 8 Vict. c. 101, s. 30; and 30 Vict. c. 6, s. 17.

4. The enactments contained in the ninth and tenth sections of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-five, relating to the following matters: General application of ss. 9 and 10 of 23 & 24 Vict. c. 75.

(1.) To the power of the secretary of state to permit a lunatic to be absent from the asylum on trial:

(2) To the expenses of conveyance and maintenance of criminal lunatics:

shall apply to a criminal lunatic in whatever asylum or place of confinement he may be, and to such asylum and place of confinement, so far as regards such lunatic, in the same manner as if such asylum or place of confinement were an asylum appropriated to criminal lunatics in pursuance of the last-mentioned Act.

5. It shall be lawful for one of Her Majesty's principal secretaries of state to discharge absolutely or conditionally any criminal lunatic (b). Power of secretary of state to give conditional order of discharge.

Where any criminal lunatic has been discharged conditionally, if any of the conditions of such discharge are broken, the said secretary of state may by warrant to be executed by any constable or other peace officer to whom such warrant is delivered, direct such person to be taken into custody, and to be conveyed to the place in which he was detained at the time of his discharge, or to any other place to which he might have been removed if no order for his discharge had been given, and any person so taken into custody shall revert in all respects to the same position as he was in at the time when the order of discharge was given, and shall be subject to be detained accordingly.

6. The eighth section of the said Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter seventy-five, shall be repealed, and in place thereof be it enacted: where the term of punishment awarded to any criminal lunatic confined in any asylum or other place of confinement for criminal lunatics expires before such evidence of his sanity has been given as justifies his being discharged, the following consequences shall ensue (c); that is to say, Criminal lunatic may be removed to a county asylum on expiration of his sentence.

1. If such lunatic be confined in any asylum or place of confinement to which lunatics may be sent in pursuance of the Lunatic Asylums Act, 1853, he shall thenceforth be deemed to be a pauper lunatic, and shall be in the same position in all respects as if he were a lunatic who immediately previous to the expiration of his term of punishment had been found wandering at large within the parish or place where the offence was committed in respect of which he became a criminal lunatic, and had been directed by a justice, in pursuance of the sixty-eighth section of the Lunatic Asylums Act, 1853, to be

(b) See 23 & 24 Vict. c. 75, s. 8.      (c) See 32 & 33 Vict. c. 78, s. 2.

received into the said asylum or place of confinement as a lunatic wandering at large, and a proper person to be taken charge of and detained under care and treatment:

2. If such lunatic be confined in any asylum or place of confinement to which lunatics cannot be sent in pursuance of the said Lunatic Asylums Act, 1853, the said secretary of state may, by order under his hand, direct the lunatic to be received into any asylum or place of confinement for lunatics into which a justice might have directed him to be received in pursuance of the said sixty-eighth section of the Lunatic Asylums Act, 1853, if immediately previous to the date of the expiration of his term of punishment the lunatic had been found wandering at large within the parish or place where the offence was committed in respect of which he became a criminal lunatic, and the justice had been satisfied that the lunatic was a proper person to be taken charge of and detained under care and treatment; and any order made by the said secretary of state in pursuance of this section shall have the same effect, and be obeyed by the same persons, and subject them to the same penalties in case of disobedience, as an order made by a justice for the reception of a lunatic into an asylum or other place of confinement for lunatics in pursuance of the said sixty-eighth section of the said Lunatic Asylums Act, 1853; and such lunatic when received into the said asylum or place of confinement shall thenceforth be deemed to be a pauper lunatic, and shall be in the same position in all respects as if he had been such wandering lunatic as aforesaid directed to be received into the said asylum or place of confinement in pursuance of the said order of a justice (*a*).

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### 30 & 31 VICT. CHAP. 84.

AN ACT to consolidate and amend the Laws relating to Vaccination.  
[12th August, 1867.]

WHEREAS it is expedient to consolidate and amend the statutes, relating to vaccination in England: \* \* \*

Acts and  
parts of Acts  
herein named  
repealed on  
and after  
January 1,  
1868.

1. From and after the day when this Act shall come into operation as hereinafter provided (*b*), the statute of the third and fourth years of the reign of Her Majesty, chapter twenty-nine, that of the fourth and fifth years of the same reign, chapter thirty-two, that of the sixteenth and seventeenth years of the same reign, chapter one hundred, the seventh section of

(*a*) See 32 & 33 Vict. c. 78, s. 2.

(*b*) See sect. 37, *post*.

the statute of the twenty-first and twenty-second years of the same reign, chapter twenty-five, the second section of the statute of the twenty-first and twenty-second years of the same reign, chapter ninety-seven, and the statute of the twenty-fourth and twenty-fifth years of the same reign, chapter fifty-nine, shall be repealed,—

Except in regard to the divisions and districts of unions and parishes previously made, and to all contracts under the said statutes then in force, and to all acts and proceedings duly commenced under the same, and not then completed, and except in regard to all liabilities and responsibilities incurred under the same, all which shall remain in as full force as if the same statutes had not been repealed, unless they be in any respect inconsistent with the provisions herein contained. Exceptions.

2. The guardians of every union or parish where the same shall not have been divided into districts for the purpose of vaccination shall, unless such union or parish respectively shall be of so limited an area as not to require subdivision, in which case the same shall be treated as a vaccination district within the meaning hereof, forthwith divide the union or parish for which they act into districts for the performance of vaccination; and when the poor law board shall by their order require any districts for the time being to be consolidated or otherwise altered, the guardians shall proceed to consolidate or alter the same, and they shall in every such case of division, consolidation, or alteration report their proposal to the poor law board for their approval, which board shall approve or disapprove of the same as they see fit; and the guardians of every union or parish may, with like approval, from time to time as they shall find it requisite, alter the districts heretofore formed or hereafter to be formed for the purpose of vaccination (c). Guardians to divide unions and parishes into vaccination districts, or to consolidate or alter them, subject to approval of the poor law board.

3. If the said board disapprove of the proposal the guardians shall forthwith proceed to prepare another, and submit the same to the said board for approval, and so on from time to time as shall be requisite until their proposal shall be approved, and when the said board shall have approved of the same the guardians shall enter into a contract with some duly registered medical practitioner for the performance of vaccination of all persons resident within each district; and every such medical practitioner shall be termed the public vaccinator of the district; and as and when the contracts now existing shall determine the guardians shall enter into others, with such modifications as the circumstances shall render necessary subject to the like approval of the poor law board as aforesaid (c). If the board do not approve, another scheme to be prepared; when approved, guardians to contract for performance of vaccination.

4. No person shall be appointed a public vaccinator, or act as deputy for a public vaccinator, who shall not possess the qualification heretofore prescribed by the lords of Her Majesty's council, or such as shall be from time to time hereafter prescribed by them, Qualification of vaccinator to be prescribed by lords of

the privy council, and other regulations to be prescribed by them.

except when such lords shall upon sufficient cause sanction any departure from their directions ; and all such regulations as the said lords have heretofore made or shall hereafter make, which they are hereby authorized to make, to secure the efficient performance of vaccination or the provision and supply of vaccine lymph by the public vaccinator, and all such directions or regulations as the said lords acting under any Act for the prevention of diseases may issue in relation to smallpox, shall be duly observed by the several persons to whom they apply ; and the said lords may from time to time cause such inquiries to be made relating to the observance of such regulations and to the execution of this Act as to them shall seem fit, and shall direct how any money hereafter to be provided by parliament for or towards defraying the expenses of the national vaccine establishment, or otherwise providing for the supply of vaccine lymph, shall be applied (*a*).

As to allowances to public vaccinators.

5. On reports made to the lords of Her Majesty's council with regard to the number and quality of the vaccinations performed in the several vaccination districts of England, or any of them, the said lords may from time to time, out of monies provided by parliament, and under regulations to be approved by the lords commissioners of Her Majesty's treasury, authorize to be paid to any public vaccinators, in addition to the payments received by them from guardians or overseers, further payments not exceeding in any case the rate of one shilling for each child whom the vaccinator has successfully vaccinated during the time to which the award of the said lords of the council relates.

As to fees payable for vaccination.

6. Every such contract for vaccination shall provide for payment in respect only of the successful vaccination of persons, and so that the rate of payment for primary vaccinations shall be not less than the following ; that is to say, for every such vaccination done at an appointed station situated at or within one mile from the residence of the vaccinator, or in the workhouse of the union or parish, not less than one shilling and sixpence ; and for every such vaccination done at any station over one mile and under two miles distant from his residence, not less than two shillings ; and for every such vaccination done at any station over two miles distant from his residence, not less than three shillings ; such distance being measured according to the nearest public carriage road ; but in respect of successful vaccinations performed elsewhere than at a station or in the workhouse as aforesaid, the payment shall be according to the terms specified in the contract as approved of by the poor law board.

Conditions may be imposed in the contracts to secure

7. The guardians shall, with the consent of the poor law board, make stipulations and conditions in their contracts to secure the due vaccination of persons, the observance of the provisions of this Act with regard to the transmission of the

(*a*) See sect. 17, *post*.

certificate of successful vaccination, and the fulfilment of all other provisions of this Act on the part of the public vaccinator, and shall provide all stations at which the vaccination shall be appointed to be performed other than the surgery or residence of the public vaccinator.

due vaccination of persons.

8. The provisions of the contracts entered into before this Act comes into operation shall not after the thirty-first day of December next apply to the cases of persons who having been previously successfully vaccinated shall be re-vaccinated, but if the lords of Her Majesty's council shall have issued or shall hereafter issue regulations in respect of the re-vaccination of persons who may apply to be re-vaccinated, which such lords are hereby authorized to do, the guardians shall pay in respect of every case of successful re-vaccination performed in conformity with such regulations under such contracts or under new contracts entered into after the date hereof a sum amounting to two thirds of the fee payable upon each case of successful primary vaccination.

Provision for re-vaccination.

9. No contract for vaccination entered into under the provisions of this Act shall be valid until the same shall have been approved of by the poor law board, and such board may, at their discretion, upon the application of the lords of Her Majesty's council or otherwise, at any time after the same shall have been approved of by them, determine it either forthwith or at a future day (b).

Contract not valid unless approved of by the poor law board, who may determine the same at any time.

10. No payment in respect of vaccination shall be made out of the common fund of any union, or out of the poor rate of any parish, or out of any other public or parochial fund, where the poor law board shall not have approved of a contract for the performance thereof, or after they shall have determined any such contract; and every payment made contrary hereto shall be disallowed by the auditor in the accounts of every board of guardians, or of the overseers, or of any officer who shall have made the same (c).

No payment to be made out of the poor rate or any other public fund unless the poor law board have approved of the contract.

11. Where a district shall have been or shall be assigned to a vaccinator, he shall not be entitled to be paid a fee in respect of the vaccination or re-vaccination of any child or other person resident out of his district, except in case of a vacancy in the office of vaccinator in any adjoining district, or of the default of the vaccinator therein, of which default notice shall have been given to him in writing by the guardians, or when a relieving officer of his union or parish shall in writing refer any child to him for vaccination.

No public vaccinator to be paid for vaccination out of his district.

12. The guardians may with the consent of the poor law board provide in districts where the population is scanty or much scattered, or where some peculiar circumstances may render it expedient for them to do so, for the attendance of the public vaccinator at the appointed places after intervals exceed-

Provision for districts in particular places of scanty population.

(b) See 34 & 35 Vict. c. 98, s. 14.

(c) See 7 & 8 Vict. c. 101, ss. 35, 36; 11 & 12 Vict. c. 91, s. 4; and 29 & 30 Vict. c. 113, s. 5.

ing three months ; and if by reason of such intervals the vaccination of any child cannot be performed within the respective periods herein prescribed (*a*), no parent (*b*) or other person who would otherwise be liable shall be liable to any penalty (*c*) in respect of a neglect to procure the vaccination during any such period ; but every such parent or other person shall be bound to procure such vaccination to be performed at the time and place so appointed before the commencement of the next interval, unless it be otherwise performed by a medical practitioner as herein provided, or unless the child shall be certified to be then in an unfit state for or insusceptible of vaccination.

Guardians  
to give  
notice of  
alteration in  
districts.

13. When the guardians make any alteration in a vaccination district, or otherwise in the local arrangements for vaccination, they shall give public notice of such alteration by printed papers to be affixed in the districts affected by such alteration for one month prior to the alteration taking effect (*d*).

\* \* \* \*

Registrar  
of births to  
deliver notice  
of vaccination  
to parent or  
other person  
registering  
birth.

15. The registrar of births shall, on or within seven days after the registration with him of the birth of any child not already vaccinated, give a notice, according to the form in the schedule hereto annexed marked A., or to the like effect, to the parent, or, in the event of the death, illness, absence, or inability of the parent, to the person having the custody of such child, if known to him, requiring such child to be duly vaccinated according to the provisions of this Act, and specifying the days, hours, and places where the public vaccinator of the vaccination district wherein such child resides, or the vaccinator of any station duly authorized by the lords of Her Majesty's council, will attend for the purpose of performing the operation, to which notice forms according to those in the said Schedule marked B., C., and D., and also the address of the registrar giving the notice, shall be attached in such form as the registrar general shall deem most convenient (*e*).

Parent or  
other person  
to procure  
the vaccination  
of child  
within three  
months.

16. The parent (*f*) of every child born in England shall within three months after the birth of such child, or where, by reason of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within three months (*g*) after receiving the custody of such child, take it or cause it to be taken to the public vaccinator of the vaccination district in which it shall be then resident, according to the provisions of this or any other Act, to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner (*h*) ; and the public vaccinator to whom such child shall be so brought is hereby required, with all reasonable despatch, subject to the conditions hereafter mentioned (*i*) to vaccinate such child.

(*a*) See sects. 16, 18, and 19, *post*.

(*b*) See 34 & 35 Vict. c. 98, s. 4.

(*c*) See sect. 29, *post*.

(*d*) See sects. 2 and 3, *ante*.

(*e*) See 34 & 35 Vict. c. 98,  
s. 15 ; and *post*, p. 1297.

(*f*) See 34 & 35 Vict. c. 98, s. 4.

(*g*) See 7 & 8 Vict. c. 101, s. 74 ;  
and 13 Vict. c. 21, s. 4.

(*h*) See sects. 29, 33, and 34, *post*.

(*i*) See sects. 18, 19, and 20, *post*.

17. Upon the same day in the following week when the operation shall have been performed by the public vaccinator such parent (*k*) or other person, as the case may be, shall again take the child or cause it to be taken to him or to his deputy that he may inspect it, and ascertain the result of the operation, and, if he see fit, take from such child lymph for the performance of other vaccinations (*l*); and in the event of the vaccination being unsuccessful such parent or other person shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and inspected as on the previous occasion.

Provision for inspection of vaccination.

18. If any public vaccinator or medical practitioner shall be of opinion that the child is not in a fit and proper state to be successfully vaccinated he shall forthwith deliver to the parent (*k*) or other person having the custody of such child a certificate under his hand according to the form in the Schedule hereto annexed marked B., or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate shall remain in force for two months, and shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination duly given if warranted by the result (*m*).

Provision for the unfitness of the child for vaccination.

19. At or before the end of each successive period the parent (*k*) or such person as aforesaid shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child, and give the certificate according to the said Form B., so long as he deems requisite under the circumstances of the case.

Provision for successive certificates.

20. If any such public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the smallpox, he shall deliver to the parent (*k*) or other person as aforesaid a certificate under his hand according to the form in the schedule hereunto annexed marked C., or to the like effect, and the parent (*k*) or such person as aforesaid shall thenceforth not be required to cause the child to be vaccinated (*m*).

Provision for insusceptibility of successful vaccination.

21. Every public vaccinator who shall have performed the operation of vaccination upon any child, and have ascertained that the same has been successful, shall, within twenty-one days after the performance of the operation, transmit by post or otherwise a certificate according to Form D. in the said schedule, or to the like effect, certifying that the said child has been successfully vaccinated, to the registrar of births and

Certificate of successful vaccination to be transmitted to the registrar, and a duplicate given to the parent.

(*k*) See 34 & 35 Vict. c. 98, s. 4.

(*l*) *Ib.* s. 10.

(*m*) See sects. 29, 30, 33, and 34, *post.*

deaths in the district within which the birth was registered (*a*), but if such district be not known to him, or if the birth of the child shall not have been registered, to the registrar within whose district the operation shall have been performed, and upon request shall deliver a duplicate thereof to the parent (*b*) or other person as aforesaid.

No fee to be charged for certificate.

22. No fee or remuneration shall be charged by the public vaccinator to the parent (*b*) or other person for any such certificate or duplicate certificate as aforesaid (*c*), nor for any vaccination done under his contract, nor shall he be entitled to payment under his contract for any vaccination in respect of which he shall have been paid by the parent or other person for whom or on whom it is performed; and if he should have received payment under his contract he shall not be entitled to recover payment for the vaccination from any other person.

Parent, &c. to transmit certificate of successful vaccination by medical practitioner to registrar of district.

23. Where the vaccination shall be successfully performed by a medical practitioner not being a public vaccinator, the parent (*b*) or other person as aforesaid causing the child to be vaccinated shall submit a certificate according to the said form marked D. to such medical practitioner, to be filled up and signed by him, and shall within twenty-one days after the performance of the operation transmit the same so signed, by post or otherwise, to the registrar of the district (*a*) where the birth of such child was registered, or if such child shall not have been registered, or the district of the registration shall not be known to such parent (*b*) or other person, to the registrar of the district in which the operation shall have been performed.

Registrar to keep books and register of vaccination to be open to searches.

24. Every registrar shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required (*d*), and also register the certificates transmitted to him as herein provided (*e*), and shall at all reasonable times allow searches to be made therein, and upon demand give a copy under his hand or under that of his deputy of any entry in the same, on payment of a fee of sixpence for each search and threepence for each copy; and every registrar shall receive a fee of one penny in respect of every child whose birth he shall have registered, and in respect of whom he shall give the notice as aforesaid: \* \* \* Provided that no fee shall be charged for any search made by a public vaccinator, or any officer of the guardians, authorized by them to make such search, or any inspector appointed by the poor law board or the lords of Her Majesty's council.

Fees for searches and copies.

Proviso.

Registrar to be paid fees by the boards of guardians.

25. The registrar shall make out an account of the fees to which he shall be entitled under this Act at the usual quarter days of the year, and submit the same to the guardians of the union or parish for which he acts, and they shall, after examin-

(*a*) See sects. 24 and 27, *post*.

(*d*) See sect. 15, *ante*.

(*b*) See 34 & 35 Vict. c. 98, s. 4.

(*e*) See sects. 21 and 23, *ante*.

(*c*) See sects. 18, 19, 20 and 21, and 27, *post*.  
*ante*.

ing the same and comparing with the register of successful vaccinations kept by him and finding the account to be correct, forthwith pay the amount of the same out of the funds in their possession (*f*).

26. It is hereby declared, that the vaccination, or the surgical or medical assistance incident to the vaccination, of any person in a union or parish, heretofore or hereafter performed or rendered by a public vaccinator, shall not be considered to be parochial relief, alms, or charitable allowance to such person or his parent, and no such person or his parent (*g*) shall by reason thereof be deprived of any right or privilege, or be subject to any disability or disqualification.

Vaccination declared to be not parochial relief so as to disqualify.

\* \* \* \* \*

28. The guardians of any union or parish may pay out of their funds all reasonable expenses incurred by them in causing notices to be printed and circulated as to the provisions of this Act, and in and about inquiries and reports as to the state of smallpox or vaccination in their union or parish, and in taking measures to prevent the spread of smallpox and to promote vaccination upon any actual or expected outbreak of that disease therein, and may pay any officer appointed by them to prosecute persons charged with offences against this Act, or otherwise to enforce its provisions (*h*).

Power to guardians to pay certain expenses out of their funds.

29. Every parent (*g*) or person having the custody of a child who shall neglect to take such child or to cause it to be taken to be vaccinated, or after vaccination to be inspected, according to the provisions of this Act (*i*), and shall not render a reasonable excuse for his neglect, shall be guilty of an offence, and be liable to be proceeded against summarily, and upon conviction to pay a penalty not exceeding twenty shillings.

Penalty on parent, &c. neglecting to procure vaccination of the child.

30. Every public vaccinator, parent (*g*), or person, as the case shall require (*k*), who shall neglect to transmit any certificate required of him by the provisions of this Act completely filled up and legibly written to the registrar within the time herein specified, and every public vaccinator who shall refuse to deliver the duplicate to the parent or other person, on request (*l*), and every medical practitioner who shall refuse to fill up and sign the certificate of successful vaccination when submitted to him as aforesaid (*m*), shall be liable to pay upon a summary conviction a penalty not exceeding twenty shillings (*n*); and every person who shall wilfully sign a false certificate or duplicate under this Act shall be guilty of a misdemeanor, and punishable accordingly.

Penalty on vaccinator and parent neglecting to transmit certificate, and persons signing false certificates.

(*f*) See 22 & 23 Vict. c. 49, s. 1; and 28 & 29 Vict. c. 79, s. 1.

(*g*) See 34 & 35 Vict. c. 98, s. 4.

(*h*) See 23 & 24 Vict. c. 77, s. 14; 28 & 29 Vict. c. 79, s. 1; 30 Vict. c. 6, s. 69 (7); 32 & 33 Vict. c. 63, s. 15; and 34 & 35 Vict. c. 98, s. 5.

(*i*) See sects. 16, 17, 18, 19 and 20, *ante*; and sects. 31, 33 and 34, *post*.

(*k*) See sects. 21 and 23, *ante*.

(*l*) See sect. 21, *ante*.

(*m*) See sect. 23, *ante*.

(*n*) See sect. 33, *post*.

Justices may make an order for the vaccination of any child under 14 years.

Penalty for disobedience.

Proviso for costs to person improperly summoned.

Penalty upon persons inoculating with smallpox.

31. If any registrar, or any officer appointed by the guardians to enforce the provisions of this Act (*a*), shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or parish for which the informant acts, has not been successfully vaccinated, and that he has given notice to the parent (*b*) or person having the custody of such child to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such parent or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings:

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

32. Any person who shall after the passing of this Act produce or attempt to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever produce, the disease of smallpox in any person, shall be guilty of an offence, and shall be liable to be proceeded against summarily, and upon conviction to be imprisoned for any term not exceeding one month.

(*a*) See sect. 28, *supra*.

(*b*) See 34 & 35 Vict. c. 98, s. 4.

#### JURISDICTION OF JUSTICES.

Decisions on sect. 31.

A justice has jurisdiction under 30 & 31 Vict. c. 84, s. 31, to make an order for the vaccination of a child without the child being produced before him: *Atkins*, app., *Dutton*, resp., 24 L. T. (N. S.) 507; L. R. 6 Q. B. 373; *S. C. Dutton v. Atkins*, 40 L. J. M. C. 157.

The jurisdiction of justices under 30 & 31 Vict. c. 84, s. 31, to make an order for the vaccination of a child under fourteen years of age is not limited to the making of one order only, and a certificate of a medical practitioner in form of Schedule (B.) is no bar: *Allen v. Worthy*, 21 L. T. (N. S.) 665; 39 L. J. M. C. 36; L. R. 5 Q. B. 163.

An indictment will lie for disobeying a justice's order under s. 31 of 30 & 31 Vict. c. 84, to appear with the child in order to satisfy the justice that the child has been vaccinated: *Bovetts' and Roberts' Cases* (Bridge-water Qr SS.), Law Times of 22nd July, 1871, p. 220.

33. The statute of the eleventh and twelfth Victoria, chapter forty-three, except section eleven, shall apply to all proceedings to be taken under this Act; and the justices for the county, city, borough, or other place where the offence shall have been committed shall have jurisdiction to hear and determine the complaint, and where a union or parish shall be comprised in several jurisdictions the complaint as to any matter arising in such union or parish may be heard and determined in any one of such jurisdictions; and all prosecutions undertaken by the guardians or their officers or any registrar under this Act shall be deemed to be within the operation of the seventh and eighth Victoria, chapter one hundred and one, section fifty-nine, and the Union Chargeability Act of 1865, section nine.

11 & 12 Vict. c. 43, except sect. 11; sect. 59 of 7 & 8 Vict. c. 101; and sect. 9 of 28 & 29 Vict. c. 79, to apply to these proceedings.

34. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the registrar or any other officer of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the register of vaccinations kept by the registrar as hereinbefore provided, in which the certificate of successful vaccination of such child shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate marked B., when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Notice not to be proved by prosecutors.

Certificates to be defence.

35. The word "parent" (a) shall include the father and mother of a legitimate child and the mother of an illegitimate child; "medical practitioner" shall mean a registered medical practitioner; and the several words herein contained shall be construed, except where any inconsistency would ensue from such construction, in the same manner as in the several Acts for the amendment of the law for the relief of the poor.

Interpretation of terms.

36. The seventh section of the Public Health Act, 1858, shall apply to all the proceedings and acts of the lords of Her Majesty's council herein authorized.

Sect. 7 of 21 & 22 Vict. c. 97, to apply to acts of privy council.

37. This Act shall come into operation on the first day of January next, and may be cited as "The Vaccination Act of 1867."

Commencement of Act. Short title.

#### SCHEDULE OF FORMS.

\* \* \* \* \*

(By an order of the local government board, dated the 30th November, 1871, pursuant to statute 34 & 35 Vict. c. 98, s. 15, it is provided as follows:—

Art. 1. The forms marked respectively A., B., C., and D., in the schedule annexed to this order shall be substituted for those marked with the corresponding letters in the schedule annexed to the Vaccination Act of 1867. Art. 2. The certificate to be given by the public vaccinator in the cases provided for in section 12 of the Vaccination Act, 1871, shall be in the

(a) See 34 & 35 Vict. c. 98, s. 4.

form marked E. in the schedule hereunto annexed. Art. 3. This order shall take effect on the first day of January next.

This order, therefore, in so far operates as a repeal of portion of the statute 30 & 31 Vict. c. 84, and that repeal nowhere appears on the statute book ; nor can the general public acquire an official knowledge of the repeal except by reference to the reports of the local government board.—W. C. G.)

30 & 31 VICT. CHAP. 102.

AN ACT further to amend the Laws relating to the Representation of the People in England and Wales.

[15th August, 1867.]

WHEREAS it is expedient to amend the Laws relating to the Representation of the People in England and Wales :

\* \* \* \* \*

Short title.

1. This Act shall be cited for all purposes as “ The Representation of the People Act, 1867.”

Application of Act.

2. This Act shall not apply to Scotland or Ireland, nor in anywise affect the election of members to serve in parliament for the Universities of Oxford or Cambridge.

PART I.

FRANCHISES.

Occupation franchise for voters in boroughs.

3. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a borough, who is qualified as follows ; (that is to say,)

1. Is of full age, and not subject to any legal incapacity ; and
2. Is on the last day of July in any year, and has during the whole of the preceding twelve calendar months been an inhabitant occupier, as owner or tenant, of any dwelling house within the borough ; and
3. Has during the time of such occupation been rated as an ordinary occupier in respect of the premises so occupied by him within the borough to all rates (if any) made for the relief of the poor in respect of such premises ; and
4. Has on or before the twentieth day of July in the same year *bonâ fide* paid an equal amount in the pound to that payable by other ordinary occupiers in respect of all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January (a) :

(a) See 32 & 33 Vict. c. 41, ss. 7, 15, 19.

Provided that no man shall under this section be entitled to be registered as a voter by reason of his being a joint occupier of any dwelling house (b).

4. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a borough, who is qualified as follows (that is to say) (c);

Lodger  
franchise for  
voters in  
boroughs.

1. Is of full age and not subject to any legal incapacity; and

2. As a lodger has occupied in the same borough separately and as sole tenant for the twelve months preceding the last day of July in any year the same lodgings, such lodgings being part of one and the same dwelling house, and of a clear yearly value, if let unfurnished, of ten pounds or upwards; and

3. Has resided in such lodgings during the twelve months immediately preceding the last day of July, and has claimed to be registered as a voter at the next ensuing registration of voters (b).

5. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a county, who is qualified as follows; (that is to say);

Property  
franchise  
for voters in  
counties.

1. Is of full age, and not subject to any legal incapacity, and is seised at law or in equity of any lands or tenements of freehold, copyhold, or any other tenure whatever, for his own life, or for the life of another, or for any lives whatsoever, or for any larger estate of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same, or who is entitled, either as lessee or assignee, to any lands or tenements of freehold or of

(b) See sect. 26, *post*.

(c) See 31 & 32 Vict. c. 58, s. 20.

#### PART OF A HOUSE—SEPARATE DWELLING.

The judges were equally divided as to whether the following was the occupation of "part of a house as a separate dwelling" within 30 & 31 Vict. c. 102, ss. 3, 61. The claimant had for more than a year occupied as tenant, at 4*l.* 10*s.* per annum, one room in a house in the city. The house consisted of nine rooms, and was let out in six several tenements; of these, three tenants occupied two rooms each, and each of the other three tenants occupied one room. The house was originally built for one family. The passage and the staircase and the conveniences were common to all the tenants. Each had a separate coal-house in the yard attached to the house. There was an outer or street-door to the passage of the house, which was never closed, and was without lock or bolt, although it retained two staples through which a bolt formerly was, and still might be shot. Each tenant had the exclusive occupation of his own room or rooms, and the owner did not reside on the premises: *Thompson*, app., *Ward*, resp.; *Ellis*, app., *Burch*, resp., W. N. 1871, p. 96.

*Decision on  
sect. 3.*

any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years (whether determinable on a life or lives or not), of the clear yearly value of not less than five pounds over and above all rents and charges payable out of or in respect of the same :

Provided that no person shall be registered as a voter under this section unless he has complied with the provisions of the twenty-sixth section of the Act of the second year of the reign of His Majesty William the Fourth, chapter forty-five (*a*).

Occupation  
franchise  
for voters in  
counties.

6. Every man shall, in and after the year one thousand eight hundred and sixty-eight, be entitled to be registered as a voter, and, when registered, to vote for a member or members to serve in parliament for a county, who is qualified as follows ; (that is to say),

1. Is of full age, and not subject to any legal incapacity ; and
2. Is on the last day of July in any year, and has during the twelve months immediately preceding been, the occupier, as owner or tenant, of lands or tenements within the county of the rateable value of twelve pounds or upwards ; and
3. Has during the time of such occupation been rated in respect to the premises so occupied by him to all rates (if any) made for the relief of the poor in respect of the said premises ; and
4. Has on or before the twentieth day of July in the same year paid all poor rates that have become payable by him in respect of the said premises up to the preceding fifth day of January (*b*).

Occupiers in  
boroughs to  
be rated, and  
not owners.

7. Where the owner is rated at the time of the passing of this Act to the poor rate in respect of a dwelling house or other tenement situate in a parish (*c*) wholly or partly in a borough, instead of the occupier, his liability to be rated in any future poor rate shall cease, and the following enactments shall take effect with respect to rating in all boroughs :

1. After the passing of this Act no owner of any dwelling house or other tenement situate in a parish either wholly or partly within a borough shall be rated to the poor rate instead of the occupier, except as hereinafter mentioned.
2. The full rateable value of every dwelling house or other separate tenement, and the full rate in the pound payable by the occupier, and the name of the occupier, shall be entered in the rate book :

(*a*) See 2 Will. 4, c. 45, ss. 18, 19, 20, 21, 22 ; see also sect. 26, *post*.

(*b*) See 2 Will. 4, c. 45, s. 20 ; see also sect. 26, *post* ; 31 & 32 Vict.

c. 58, s. 19 ; and 32 & 33 Vict. c. 41, ss. 7, 15, 19.

(*c*) See 29 & 30 Vict. c. 113, s. 18.

Where the dwelling house or tenement shall be wholly let out in apartments or lodgings not separately rated, the owner of such dwelling house or tenement shall be rated in respect thereof to the poor rate (*d*):

\*                      \*                      \*                      \*                      \*

### PART III.

#### SUPPLEMENTAL PROVISION.

##### *Incidents of Franchise.*

26. Different premises occupied in immediate succession by any person as owner or tenant during the twelve calendar months next previous to the last day of July in any year shall, unless and except as herein is otherwise provided, have the same effect in qualifying such person to vote for a county or borough as a continued occupation of the same premises in the manner herein provided (*e*). As to successive occupations.

(*d*) See 32 & 33 Vict. c. 41, s. 4.      (*e*) See sects. 3, 4, 5, and 6, *ante*.

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#### DWELLING HOUSE LET IN APARTMENTS.

The appellant and five other persons each respectively occupied a room in a six-roomed house in the parish of Sunderland near the Sea, in the parliamentary borough of Sunderland; each had the exclusive possession of his own room, and used in common the street-door, &c. The owner occupied no portion of the house. At the time of the passing of 30 & 31 Vict. c. 102, the owner was rated in respect of the whole house instead of the occupier, by virtue of the Small Tenements Act (13 & 14 Vict. c. 99), the provisions of which were then in force in the parish; after the passing of the 30 & 31 Vict. c. 102, the churchwardens and overseers of the parish separately rated the six occupiers: Held, that the rate was bad, and that the owner (not the occupiers) was rateable under the exception which is contained in 30 & 31 Vict. c. 102, s. 7, and which provides that "where the dwelling house or tenement shall be wholly let out in apartments or lodgings not separately rated, the owner . . . shall be rated . . . to the poor rate": *Stamper v. Sunderland*, 37 L. J. M. C. 137; 18 L. T. (N. S.) 682; L. R. 3 C. P. 388. *Decisions on sect. 7.*

Under a local Act, Serjeants' Inn, Chancery Lane, was to pay an annual sum for the relief of the poor of the parish of St. Dunstan in the West, in full satisfaction of all demands: Held, that this was not interfered with by the rating clauses of the Representation of the People Act, 1867: *Thorpe v. Adams*, 40 L. J. M. C. 52; 23 L. T. (N. S.) 810.

The rates to which an occupier must be rated in order to entitle him to be registered as a voter for a borough under 30 & 31 Vict. c. 102, s. 3, are those which have been made entirely, *i. e.*, signed, allowed, and published within the qualifying year of occupation, the twelve months preceding the previous 31st July: *Jones, app., Bubb, resp.*, 38 L. J. C. P. 57; 19 L. T. (N. S.) 483.

The word "composition" in 30 & 31 Vict. c. 102, s. 7, meant the agreement for a composition, and not a composition for a rate actually made at the time of the passing of the Act: *Mason, app., Bennett, resp.*, 19 L. T. (N. S.) 604.

As to joint occupation in counties.

27. In a county where premises are in the joint occupation of several persons as owners or tenants, and the aggregate rateable value of such premises is such as would, if divided amongst the several occupiers, so far as the value is concerned, confer on each of them a vote, then each of such joint occupiers shall, if otherwise qualified, and subject to the conditions of this Act, be entitled to be registered as a voter, and when registered to vote at an election for the county: Provided always, that not more than two persons, being such joint occupiers, shall be entitled to be registered in respect of such premises, unless they shall have derived the same by descent, succession, marriage, marriage settlement, or devise, or unless they shall be *bonâ fide* engaged as partners carrying on trade or business thereon.

Notice of rate in arrear to be given by overseers to voters, in form as in Schedule (E.)

28. Where any poor rate due on the fifth day of January in any year from an occupier in respect of premises capable of conferring the franchise for a borough remains unpaid on the first day of June following, the overseers whose duty it may be to collect such rate shall, on or before the twentieth of the same month of June, unless such rate has previously been paid, or has been duly demanded by a demand note, to be served in like manner as the notice in this section referred to, give or cause to be given a notice in the form set forth in Schedule (E.) to this Act to every such occupier (a). The notice shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable. Any overseer who shall wilfully withhold such notice, with intent to keep such occupier off the list or register of voters for the said borough, shall be deemed guilty of a breach of duty in the execution of the Registration Acts (b).

Penalty for wilfully withholding notice.

Overseers to make out a list of persons in arrear of rates, which shall be open to perusal without fee.

29. The overseers of every parish wholly or partly within a borough shall, on or before the twenty-second day of July in every year, make out a list containing the name and place of abode of every person who shall not have paid, on or before the twentieth day of the same month, all poor rates which shall have become payable from him in respect of any premises within the said parish before the fifth day of January then last past, and the overseers shall keep the said list, to be perused by any person, without payment of any fee, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday during the first fourteen days after the said twenty-second day of July; any overseer wilfully neglecting or refusing to make out such list, or to allow the same to be perused as aforesaid, shall be deemed guilty of a breach of duty in the execution of the Registration Acts (c).

Penalty on overseer for neglect.

(a) See 32 & 33 Vict. c. 41, s. 10.

(b) See 6 Vict. c. 18, s. 51.

(c) See 6 Vict. c. 18, s. 12.

*Registration of Voters.*

30. The following regulations shall in and after the year one thousand eight hundred and sixty-eight be observed with respect to the registration of voters :

Regulation to be observed as to registration of voters.

1. The overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this Act, in the same manner, and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the Registration Acts to make out or cause to be made out a list of all persons entitled to vote for a member or members for a borough in respect of the occupation of premises of a clear yearly value of not less than ten pounds (*d*) :

2. The claim of every person desirous of being registered as a voter for a member or members to serve for any borough in respect of the occupation of lodgings shall be in the form numbered 1 in Schedule (G.), or to the like effect, and shall have annexed thereto a declaration in the form and be certified in the manner in the said schedule mentioned, or as near thereto as circumstances admit ; and every such claim shall after the last day of July and on or before the twenty-fifth day of August in any year be delivered to the overseers of the parish in which such lodgings shall be situate, and the particulars of such claim shall be duly published by such overseers on or before the first day of September next ensuing in a separate list, according to the form numbered 2 in the said Schedule (G.) (*e*) :

So much of section 18 of the Act of the session of the sixth year of the reign of Her present Majesty, chapter eighteen as relates to the manner of publishing lists of claimants, and to the delivery of copies thereof to persons requiring the same, shall apply to every such claim and list ; and all the provisions of the 38th. and 39th sections of the same Act with respect to the proof of the claims of persons omitted from the lists of voters, and to objections thereto, and to the hearing thereof, shall, so far as the same are applicable, apply to claims and objections, and to the hearing thereof, under this section.

31. The word " expenses " contained in the sections fifty-four and fifty-five of the said Registration Act of the session of the sixth year of the reign of Her present Majesty, chapter eighteen, shall be deemed to and shall include and apply to all proper and

Definition of " expenses of registration."

(*d*) See 31 & 32 Vict. c. 58, ss. 17, 20. (*e*) See sect. 4, *ante* ; and 31 & 32 Vict. c. 58, s. 20.

reasonable fees and charges of any clerk of the peace of any county, or of any town clerk of any city or borough, to be hereafter made or charged by him in any year for his trouble, care, and attention in the performance of the services and duties imposed upon him by the same Act or by this Act, in addition to any money actually paid or disbursed by him for or in respect of any such services or duties as aforesaid (a).

\* \* \* \* \*

Where any parish in a borough is divided into or forms part of more than one polling district, the overseers shall, so far as practicable, make out the lists of voters in such manner as to divide the names in conformity with each polling district (b).

\* \* \* \* \*

Rooms to be hired for taking polls wherever they can be obtained.

37. At every contested election for any county or borough, unless some building or place belonging to the county or borough is provided for that purpose, the returning officer shall, whenever it is practicable so to do, instead of erecting a booth, hire a building or room for the purpose of taking the poll :

Where in any place there is any room the expense of maintaining which is payable out of any rates levied in such place, such room may, with the consent of the person or corporation having the control over the same, be used for the purpose of taking the poll at such place (c).

Alteration as to time for delivery of lists and commencement of register of voters.

38. The forty-seventh and forty-eighth sections of the Act of the sixth year of the reign of Her present Majesty, chapter eighteen, relating to the transmission and delivery of the book or books containing the lists of voters to the sheriff and returning officer, shall be construed as if the word " December " were substituted in those sections for the word " November," and the said book or books shall be the register of persons entitled to vote for the county or borough to which such register relates at any election which takes place during the year commencing on the first day of January next after such register is made, and the register of electors in force at the time of the passing of this Act shall be the register in force until the first day of January one thousand eight hundred and sixty-eight (d).

\* \* \* \* \*

Receipt of parochial relief to apply to counties as well as boroughs.

40. The thirty-sixth section of the Act of the second year of King William the Fourth, chapter forty-five, disqualifying persons in receipt of parochial relief from being registered as voters for a borough, shall apply to a county also, and the said section shall be construed as if the word " county " were inserted therein before the word " city ; " and the overseers of every parish shall omit from the lists made out by them of persons entitled to vote for the borough and county in which such parish is situate the names of all persons who have received

(a) See 31 & 32 Vict. c. 58, s. 23. (c) See 13 & 14 Vict. c. 57 ; and  
(b) See ib. s. 22. 24 & 25 Vict. c. 125.  
(d) See 31 & 32 Vict. c. 58, s. 20.

parochial relief within twelve calendar months next previous to the last day of July in the year in which the list is made out.

\* \* \* \* \*

49. Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made shall also be guilty of bribery, and punishable accordingly.

\* \* \* \* \*

52. Whereas it is expedient to amend the law relating to offices of profit the acceptance of which from the Crown vacates the seats of members accepting the same, but does not render them incapable of being re-elected: Be it enacted, that where a person has been returned as a member to serve in parliament since the acceptance by him from the Crown of any office described in Schedule (H.) to this Act annexed, the subsequent acceptance by him from the Crown of any other office or offices described in such schedule in lieu of and in immediate succession the one to the other shall not vacate his seat (*e*).

\* \* \* \* \*

56. The franchises conferred by this Act shall be in addition to and not in substitution for any existing franchises, but so that no person shall be entitled to vote for the same place in respect of more than one qualification; and, subject to the provisions of this Act, all laws, customs, and enactments now in force conferring any right to vote, or otherwise relating to the representation of the people in England and Wales, and the registration of persons entitled to vote, shall remain in full force, and shall apply, as nearly as circumstances admit, to any person hereby authorized to vote, and shall also apply to any constituency hereby authorized to return a member or members to parliament as if it had heretofore returned such members to parliament and to the franchises hereby conferred, and to the registers of voters hereby required to be formed.

\* \* \* \* \*

58. All writs to be issued for the election of members to serve in parliament, and all mandates, precepts, instruments, proceedings, and notices consequent upon such writs or relating to the registration of voters, shall be framed and expressed in such manner and form as may be necessary for the carrying the provisions of this Act into effect.

(*e*) See 34 & 35 Vict. c. 70, s. 4; land, and 31 & 32 Vict. c. 49, s. 11, as 31 & 32 Vict. c. 48, s. 51, as to Scotland to Ireland.

This Act,  
as far as  
consistent,  
to be con-  
strued with  
enactments  
now in force.

59. This Act, so far as is consistant with the tenor thereof, shall be construed as one with the enactments for the time being in force relating to the representation of the people and with the Registration Acts; and in construing the provisions of the twenty-fourth and twenty-fifth sections of the Act of the second year of King William the Fourth, chapter forty-five, the expressions "the provisions hereinafter contained," and "as aforesaid," shall be deemed to refer to the provisions of this Act conferring rights to vote as well as to the provisions of the said Act (a).

\* \* \* \* \*

Interpretation  
of terms:

61. The following terms shall in this Act have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction (that is to say);

\* \* \* \* \*

" Dwelling  
house:"

" Dwelling house" shall include any part of a house occupied as a separate dwelling, and separately rated to the relief of the poor:

\* \* \* \* \*

## SCHEDULE (E.)

To A.B.

City [*or borough of*]

Take notice that you will not be entitled to have your name inserted in the list of voters for this city [*or borough*] now about to be made in respect of the premises in your occupation in [*street or place*] unless you pay on or before the twentieth day of July next all the poor rates which have become due from you in respect of such premises up to the fifth day of January last, amounting to £            and if you omit to make such payment you will be incapable of being on the next register of voters for this city [*or borough*].

Dated the            day of June 18            .

C. D. } Overseers,  
E. F. }

*or*

G. H. { Assistant  
Overseer,

*or*

I. K. Collector.

(a) See 31 & 32 Vict. c. 58, s. 17.

## SCHEDULE (G.)

Form No. 1.

*Claim of Lodger.*

Borough of

To the overseers of the parish of

I hereby claim to be inserted in the list of voters in respect of the occupation of the under-mentioned lodgings, and the particulars of my qualification are stated in the columns below :

Christian Name and Surname at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate, with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

I the above-named \_\_\_\_\_ hereby declare that I have been during the twelve months immediately preceding the last day of July in this year the occupier as sole tenant of the above-mentioned lodgings, and that I have resided therein during the twelve months immediately preceding the said last day of July, and that such lodgings are of a clear yearly value, if let unfurnished, of ten pounds or upwards.

Dated the \_\_\_\_\_ day of

Signature of claimant \_\_\_\_\_

Witness to the signature of the said \_\_\_\_\_

And I certify my belief in the  
Accuracy of the above claim. \_\_\_\_\_

Name of Witness \_\_\_\_\_

Residence and calling \_\_\_\_\_

This claim must bear date the first day of August or some day subsequent thereto, and must be delivered to the overseers after the last day of July, and on or before the twenty-fifth day of August.

Form No. 2.

List of Claimants in respect of Lodgings to be published by  
the Overseers.

The following persons claim to have their names inserted in  
the list of persons entitled to vote in the election of a member  
[or members] for the city [or borough] of \_\_\_\_\_

Christian Name and Surname of each Claimant at full Length.	Profession, Trade, or Calling.	Description of Lodgings.	Description of House in which Lodgings situate with Number, if any, and Name of Street.	Name, Description, and Residence of Landlord or other Person to whom Rent paid.

(Signed)      A. B. } Overseers  
                  C. D. } of,  
                  E. F. } &c.

SCHEDULE (H.)

Offices of Profit referred to in this Act.

\*                    \*                    \*                    \*                    \*

Commissioner for administering the laws for the relief of the  
poor in England (a).

\*                    \*                    \*                    \*                    \*

30 & 31 VICT. CHAP. 106.

AN ACT to make the Poor Law Board permanent, and to provide  
sundry Amendments in the Laws for the Relief of the Poor.  
[20th August, 1867.]

WHEREAS it is expedient to make the poor law board permanent,  
and to provide sundry amendments in the laws for the relief of  
the poor :    \*    \*    \*

(a) See sect. 52, ante ; and 34 & 35 Vict. c. 70, s. 4.

1. From and after the passing of this Act, the twenty-eighth section of the Poor Law Board Act, 1847, the operation of which section has been extended by divers Acts until the twenty-third day of July in this year and the end of the next session of parliament, shall be repealed.

Sect. 28 of 10 & 11 Vict. c. 109 repealed.

2. Where in any union or parish not being within the metropolis as defined by the Metropolitan Poor Act, 1867 (*b*), the relief of the poor, or the making and levying of the poor rate, is subject to the control or regulation of any local Act, it shall be competent for the guardians of such union or parish having powers to exercise or duties to discharge under such Act to apply to the poor law board to issue an order to repeal the whole or any part of such local Act, or to alter the same, such application having been agreed to by the majority at two successive meetings of the said guardians, and being forwarded in writing under the hand of the presiding chairman of the second of such meetings to the said board; and the said board may, if after due inquiry they shall deem it expedient, make and issue a provisional order for such repeal or alteration, and shall take all necessary steps for the confirmation of such order by Act of parliament (*c*), but previously to such confirmation the said order shall not be of any validity whatever; and every Act of parliament confirming such order shall be deemed a public general Act (*d*).

Local Acts relating to the poor in places out of the metropolis may be altered by a provisional order of the poor law board to be confirmed by parliament.

3. Where several parts of any parish are separated from one another or intermixed with an adjoining parish, or where a parish is of great extent in area, and an application in writing shall be made to the poor law board by one tenth part in value of owners of property and of ratepayers in the parish or parishes respectively interested in the subject, the said board may, if satisfied by public inquiry on the spot, after fourteen days public notice of the time, place, and object of such intended inquiry, that the relief to the poor can be better administered in the parish or parishes by means of such re-adjustment or division as hereafter mentioned, make an order under seal for re-adjusting or dividing the said parishes according to the terms of the application, and for the purposes and objects set forth therein, or with such modifications as they shall deem expedient, and such order shall be made provisionally, and shall be submitted to parliament to be confirmed in the manner hereinbefore set forth (*e*).

Poor law board may adjust intermingled parishes or divide extensive parishes by a provisional order, to be confirmed by parliament.

4. The qualification of a guardian described by the Poor Law Amendment Act, 1834 (*f*), shall be determined with reference to the annual rateable value of the property in respect of which his qualification is claimed.

Qualification of guardian.

(*b*) See 31 & 32 Vict. c. 122, s. 3. (Chester, Tunstead, and Happing and Woolavington).

(*c*) See 33 Vict. c. 1.

(*e*) See 32 & 33 Vict. c. 63, s. 4;

(*d*) See 31 & 32 Vict. c. cl. (Salisbury); and 32 & 33 Vict. c. cxxiii.

and sect. 22.

(*f*) See 4 & 5 Will. 4, c. 76, s. 38.

Owners residing in parishes not to vote by proxy.

Sect. 21 of 7 & 8 Vict. c. 101, repealed, and other provisions made as to voting in wards.

Overseers may object to names of owners on the register.

Overseers may make fresh registers.

Returning officer to be concluded by the register, whether revised or not.

Voting of corporations and joint stock companies as ratepayers.

5. No owner shall vote by proxy (*a*) at the election of a guardian for any parish or ward therein if at the time of such election he shall be residing within the said parish.

6. The twenty-first section of the Poor Law Amendment Act, 1844, shall be repealed; and no person in any future election of guardians entitled to vote shall give in the whole of the wards into which a parish may be divided a greater number of votes than he would have been entitled to have given if the parish had not been divided into wards, nor in any one ward a greater number of votes than he is entitled to in respect of property in that ward; but any such ratepayer or owner may, by notice in writing signed by him, and delivered to the overseers of the parish before the day appointed for the annual nomination of candidates, elect in what ward or wards he will vote for the ensuing year, and determine what proportion of votes, having regard to the property situated therein, he will give in any one or more such wards; and if he do not give such notice his vote shall only be taken for the ward in which he resides, or, if he do not reside within the parish, for that ward in which the greater part of such property according to its annual rateable value shall be situated; provided that no person shall be qualified to nominate a guardian for any ward in which he is not qualified to vote.

7. The overseers may object to the names of any persons entered on the register of owners whom they shall believe to be dead, or to be disqualified from voting as such owners, and shall give public notice according to the provision in the Poor Law Amendment Act, 1844 (*b*), of the names to which they have made objections on some day between the fifth and fifteenth days of February, and shall send a copy of such notice to the clerk of the guardians, who shall hear and decide such objections at the time of his revision of the said register, in like manner as in the case of other objections (*b*).

8. The overseers may from time to time make a fresh register of owners who have claimed to vote for guardians and of proxies as they shall find necessary, causing the names to be copied from the former register, and the two to be carefully collated and verified (*b*).

9. The returning officer at the election of guardians shall, in all parishes in which a revision can take place, be concluded by the entries in the register, whether such register has or has not been revised.

10. Where any corporation aggregate, joint stock or other company, commissioners, or public trustees shall be rated (*c*), any officer of such corporation, company, commissioners, or public trustees from time to time appointed by the governing body thereof whose name shall be sent in writing to the overseers before the first day of March in any year, to be entered in

(*a*) See 4 & 5 Will. 4, c. 76, s. 40; and 7 & 8 Vict. c. 101, s. 15.

(*b*) See 7 & 8 Vict. c. 101, s. 15.

(*c*) See 4 & 5 Will. 4, c. 76, s. 40.

the rate book under the name of such corporation, company, commissioners, or public trustees, shall be entitled to vote in respect of the property assessed as if he were assessed in his own name for the same, and in the case of a parish divided into wards shall vote in that ward where the principal office of the corporation, company, commissioners, or public trustees shall be situated, if any, or otherwise in that ward where the greatest part of the property assessed shall be situated.

11. Where money has been collected in any parish by an assessment under the name and as and for a poor rate, the same shall be deemed to be a rate made for the relief of the poor within the meaning of the fortieth section of the Poor Law Amendment Act, 1834, and the sixteenth section of the Poor Law Amendment Act, 1844, notwithstanding any defect in the form of such assessment (*d*). Informal poor rate, if paid, to qualify voters at the election of guardians.

12. When any question as to the election of a guardian is decided by the poor law board (*e*), and according to their decision the election in the parish for which he shall have been returned is declared to have been null, the guardian elected at any election in the previous year shall not be entitled to serve as such guardian for the remainder of the current year, but the poor law board shall issue an order for a fresh election. When election set aside, previous guardian not entitled to act as guardian.

13. Guardians may, with the approval of the poor law board (*f*), hire or take on lease, temporarily or for a term of years not exceeding five, any land or buildings for the purpose of the relief or employment of the poor and the use of the guardians or their officers, without any order of the said board under seal. Guardians may make temporary hirings without an order under seal.

14. The amount limited by the twenty-fourth section of the Poor Law Amendment Act, 1834, with reference to the sums to be raised for the purpose of building workhouses, shall be increased, and instead of the limit of one year's amount of poor rates, as therein prescribed, a sum not exceeding two thirds of the aggregate amount of poor rates raised during the three years therein mentioned may be raised for this purpose, and where the site shall be within any municipal borough, or within five miles from the outward boundary thereof, the cost of such site may be added to the sum aforesaid (*g*). Increase of the limit of amount to be raised for building workhouses.

15. When any parish comprised in any union shall have been or shall be subdivided, or when any parish shall have been or shall be added to any union (*h*) after all the valuation lists have been finally approved, the contributions of the several parishes to the common fund thereof shall continue to be made according to the provisions of the Union Assessment Committee Act, 1862, and the poor law board shall determine by their order the proportions according to which the several parts of the parish so Provision for the contributions of divided and added parishes in unions and adjustment of liabilities.

(*d*) See 7 & 8 Vict. c. 101, s. 16.

(*h*) See 4 & 5 Will. 4, c. 76, s. 32;

(*e*) See 5 & 6 Vict. c. 57, s. 8.

7 & 8 Vict. c. 101, s. 66; and *ante*,

(*f*) See 4 & 5 Will. 4, c. 76, s. 23. sect. 3.

(*g*) See 32 & 33 Vict. c. 45.

divided or the parish so added shall contribute to the common fund until valuation lists for such parts or such parish respectively shall have been finally approved of by the assessment committee of the union, and shall also in respect of such divided parish determine the proportions of the liabilities of such parish to the common fund at the time of the division, to be charged upon the several parts according to the annual rateable value of the property comprised therein respectively.

Proviso to sect. 40 and part of sect. 43 of 7 & 8 Vict. c. 101, repealed.

Sect. 3 of 5 & 6 W. 4, c. 69, extended to cases of dissolved boards of guardians for a parish.

Sect. 2 of 29 & 30 Vict. c. 113 to apply to certain relieving officers.

Allowance not to be lost by reason of being employed under another public authority.

Service in a dissolved union may be reckoned in the grant of allowance in new union.

16. The proviso to section forty of "The Poor Law Amendment Act, 1844," and so much of section forty-three of the said Act as requires the consent in writing of a majority of the district board therein described to the alteration of such district, are hereby repealed.

17. The power conferred by the third section of "The Union and Parish Property Act, 1835," upon the persons who were the guardians of any dissolved union at the time of its dissolution, shall extend to the persons who constituted the board of guardians of a parish when such board shall be dissolved (a).

18. The second section of the Poor Law Amendment Act of 1866 shall apply to a relieving officer who may hold the office of registrar of marriages simultaneously with that of relieving officer.

19. Where an officer shall at the time of vacating his office be employed solely in the service of the guardians, he shall not be prevented from receiving a superannuation allowance by reason of his having been also employed under another public authority, provided that such last-mentioned employment shall have ceased not less than three years prior to his application for such allowance (b).

20. When any union shall have been or shall be dissolved, or when any parish shall have been or shall be placed under the management of a board of guardians, the time passed in the service of such union or parish prior to such dissolution or the constitution of such board shall be deemed service, which the guardians of any other union comprising such parish, or the board of guardians for such parish, may, if they think fit, take into consideration in any case where an officer applies for a superannuation allowance; and if any person shall by means of such dissolution be deprived of any office or employment, the poor law board may, according to their judgment, award a compensation to be paid to such person, either in a sum certain or by way of annuity, and shall direct the same to be paid out of the poor rate of the parish or parishes for which such person was acting at the time of the dissolution, in such manner and according to such proportions as to the said board shall appear equitable (c).

(a) See 32 & 33 Vict. c. 63, s. 5, as to the metropolis, and 33 Vict. c. 2, s. 9.

(b) See 27 & 28 Vict. c. 42, s. 1.  
(c) See 31 & 32 Vict. c. 122, s. 15; and 33 Vict. c. 2, s. 10.

21. The guardians may provide for the reception, maintenance, and instruction of any adult pauper, being blind or deaf and dumb (*d*), in any hospital or institution established for the reception of persons suffering under such infirmities, and may pay the charges incurred in the conveyance of such pauper to and from the same, as well as those incurred in his maintenance, support, and instruction therein.

Guardians may provide for adult paupers blind, or deaf and dumb.

22. When there shall be in any workhouse a poor person suffering from mental disease, or from bodily disease of an infectious or contagious character, and the medical officer of such workhouse shall upon examination report in writing that such person is not in a proper state to leave the workhouse without danger to himself or others, the guardians may direct the master to detain such person therein, or, if the guardians be not sitting, the master of the workhouse may, until the next meeting of the guardians, detain him therein, and such person shall not be discharged from such workhouse until the medical officer shall in writing certify that such discharge may take place (*e*); provided, however, that this enactment shall not prevent the removal of a lunatic to a lunatic asylum, registered hospital, or licensed house, when such removal is otherwise required by law (*f*), nor the removal of any poor person after the parent or next of kin of such person shall have given to the guardians such an undertaking as they shall deem satisfactory to provide for the removal, charge, and maintenance of such person with due care and attention while the malady continues; and this provision shall apply to every district school (*g*) and district asylum (*h*), and to the managers, board of management, medical officer, superintendent, or master thereof respectively.

Guardians empowered to detain in-door paupers.

23. When any pauper lunatic shall be sent to an asylum from any part of a borough wholly or partly comprised within a union, which borough shall not have contributed to the erection or maintenance of that asylum, the visitors of the asylum shall, where the union and the borough are not conterminous, make out two accounts in respect of such lunatic in the asylum, one of which shall be limited to the charge which would be made in the case of a pauper lunatic sent from the county, and shall be transmitted to the guardians of the said union for payment, and the other, which shall contain the extra sum by law chargeable in respect of a pauper lunatic received into the same asylum from any other county, shall be transmitted to the town council of such borough, and shall be paid by them as other charges to which the borough fund may be liable (*i*).

As to pauper lunatics sent from boroughs.

24. When an order of removal is obtained by the guardians of any union not formed under the Poor Law Amendment Act,

As to orders of removal from a union

(*d*) See 25 & 26 Vict. c. 43.

(*g*) See 7 & 8 Vict. c. 101, s. 44.

(*e*) See 34 & 35 Vict. c. 108, s. 7.

(*h*) See 30 Vict. c. 6, s. 22.

(*f*) See 4 & 5 Will. 4, c. 76, s. 45;

(*i*) See 16 & 17 Vict. c. 97, ss. 42,

25 & 26 Vict. c. 111, ss. 20 and 31; 43, 54; and 31 & 32 Vict. c. 122,

s. 14.

not formed under 4 & 5 W. 4, c. 76, or from a parish not in union.

Provision for suspended orders of removal.

Orders of removal may be suspended in the case of unions, and the expenses recovered quarterly.

Jurisdiction of justices in unions.

Rates under sect. 15 of

1834, or by the guardians or overseers of any parish not included in any union so formed, in respect of a pauper alleged to be settled in some parish included in a union so formed, such order shall be addressed to the guardians of such union, and shall be dealt with in all respects as provided by the Union Chargeability Act, 1865 (a).

25. When any order of removal made before the passing of the said last-mentioned statute (b) shall have been suspended, and such suspension shall hereafter be taken off (c), the order of expenses to be made thereon shall, in the case of a parish comprised in a union, be made in favour of the guardians of the union comprising the parish entitled to be reimbursed, and against the guardians of the union containing the parish to which the order of removal was addressed; and the several boards of guardians shall apply so much of the expenses as were incurred before the twenty-fifth day of March one thousand eight hundred and sixty-six to the account of the respective parishes, and the residue to the account of the common funds of the unions.

26. When an order of removal is made upon the guardians of any union, its execution may be suspended in like manner as in the case of orders of removal heretofore made in parishes, and with the like requirements, liabilities, and consequences (d); provided that the guardians of the union in whose favour such order is made may send an account to the guardians of the union upon whom it is made, at the end of every quarter, of the cost incurred in the maintenance of the pauper and of his family, as the case may require; and the said last-mentioned guardians may pay the same, and if they neglect to do so the said first-mentioned guardians may recover the amount of the sum reasonably expended by them in any county court within whose jurisdiction their union or the greater part thereof shall be situated (e).

27. Where a union extends into several distinct jurisdictions, every matter, act, charge, or complaint by which the guardians thereof are affected, or in which they have any interest, shall for the purpose of jurisdiction be deemed to arise or exist equally throughout the union (f).

28. The rates made by the overseers under the provisions of the fifteenth section of The Public Works (Manufacturing Dis-

- |                                         |                                         |
|-----------------------------------------|-----------------------------------------|
| (a) See 28 & 29 Vict. c. 79, ss. 2-5.   | s. 84; 9 & 10 Vict. c. 66, s. 4; 11     |
| (b) <i>i. e.</i> , 28 & 29 Vict. c. 79. | & 12 Vict. c. 31; 12 & 13 Vict. cc. 45, |
| (c) See 49 Geo. 3, c. 124, s. 1.        | 65; and 14 & 15 Vict. c. 105, s. 8.     |
| (d) See 35 Geo. 3, c. 101, s. 2; 49     | (e) See 14 & 15 Vict. c. 105, s. 8.     |
| Geo. 3, c. 124; 4 & 5 Will. 4, c. 76,   | (f) See <i>ib.</i> s. 9.                |

#### APPELLATE JURISDICTION.

Decision on sect. 27.

The appellate jurisdiction from an order of removal under 30 & 31 Vict. c. 106, s. 27, is the same as that under which the order is made, and it does not depend upon the place from which the removal is ordered: *Dudley Union v. Wolverhampton Union*, 25 L. T. (N.S.) 829; *S. C. Reg. v. Staffordshire JJ.*, 41 L. J. M. C. 78; L. R. 7 Q. B. 288.

tricts) Act, 1863, and the accounts of every officer who may collect the same, shall be subject to be audited by the same auditor and in the same manner as the rates made for the relief of the poor by the same overseers, and the accounts of the receipts and payments in respect of such poor rates.

26 & 27 Vict.  
c. 70, to be  
subject to  
audit.

29. If the vestry of any parish, where there is no town council, local board, or other authority competent to provide the same, after due notice, shall resolve that the overseers shall provide any fire engine, ladder, or fire escape for general use in the parish, the overseers shall provide the same, and pay out of the poor rate the cost thereof, and of procuring a proper place wherein to keep the same, and of maintaining it, as well as any such engine, ladder, or escape acquired by the parish in any other manner for such use, in a fit state of repair, and the charges of such persons as may be necessary for the use thereof, and the cost of suitable implements and accoutrements (g).

Fire engine  
may be pur-  
chased for the  
use of the  
parish.

30. This Act may be cited as "The Poor Law Amendment Act, 1867," and the several Acts mentioned in the schedule may be cited as therein set forth; and the words contained herein shall be construed in like manner as in the Poor Law Amendment Act, 1834, and in the subsequent Acts amending, explaining, or extending the same, and all the provisions of such Acts now in force, so far as they are consistent with this Act, shall be incorporated herewith.

Short title.

Interpretation  
of terms.

### SCHEDULE.

Date of the Statute.	Title for Citation.
4 & 5 W. 4, c. 76	- The Poor Law Amendment Act, 1834.
5 & 6 W. 4, c. 69	- The Union and Parish Property Act, 1835.
5 & 6 Vict. c. 18	- Parish Property and Parish Debts Act, 1842.
5 & 6 Vict. c. 57	- Poor Law Amendment Act, 1842.
7 & 8 Vict. c. 101	- Poor Law Amendment Act, 1844.
9 & 10 Vict. c. 66	- Poor Removal Act, 1846.
10 & 11 Vict. c. 109	- Poor Law Board Act, 1847.
11 & 12 Vict. c. 31	- Poor Law Procedure Act, 1848.
11 & 12 Vict. c. 91	- Poor Law Audit Act, 1848.
11 & 12 Vict. c. 110	- Poor Law Amendment Act, 1848.
12 & 13 Vict. c. 103	- Poor Law Amendment Act, 1849.
13 & 14 Vict. c. 101	- Poor Law Amendment Act, 1850.
14 & 15 Vict. c. 105	- Poor Law Amendment Act, 1851.
29 & 30 Vict. c. 113	- Poor Law Amendment Act, 1866.

(g) See 3 & 4 Will. 4, c. 90, s. 44; and 28 & 29 Vict. c. 90, s. 35.

## 30 &amp; 31 VICT. CHAP. 115.

AN ACT to remove Disqualifications of Justices of the Peace in certain Cases. [20th August, 1867.]

\* \* \* \* \*

Justices not incapable of acting in execution of Acts in cases specified.

2. A justice of the peace shall not be incapable of acting as a justice at any petty or special or general or quarter sessions on the trial of an offence arising under an Act to be put in execution by a municipal corporation, or a local board of health, or improvement commissioners, or trustees, or any other local authority (a), by reason only of—

(a.) His being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to or to be benefited by any fund to the account of which the penalty payable in respect of such offence is directed to be carried or of which it will form part, or to contribute to any rate or expenses in diminution of which such penalty will go.

## 31 &amp; 32 VICT. CHAP. 37.

AN ACT to amend the Law relating to Documentary Evidence in certain Cases. [25th June, 1868.]

WHEREAS it is expedient to amend the law relating to evidence :

\* \* \* \* \*

Short title.

1. This Act may be cited for all purposes as “The Documentary Evidence Act, 1868.”

Mode of proving certain documents.

2. *Primâ facie* evidence of any proclamation, order, or regulation issued before or after the passing of this Act by Her Majesty or by the privy council, also of any proclamation, order, or regulation issued before or after the passing of this Act by or under the authority of any such department of the government or officer as is mentioned in the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes hereinafter mentioned; that is to say:—

- (1.) By the production of a copy of the gazette purporting to contain such proclamation, order, or regulation.
- (2.) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the Government printer, \* \* \*
- (3.) By the production, in the case of any proclamation, order, or regulation issued by Her Majesty or by the privy council, of a copy or extract purporting

(a) See 29 & 30 Vict. c. 41, s. 2.

to be certified to be true by the clerk of the privy council or by any one of the lords or others of the privy council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said Schedule in connexion with such department or officer (b).

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation.

\* \* \* \* \*

4. If any person commits any of the offences following, that Punishment  
is to say,— of forgery.

(1.) Prints any copy of any proclamation, order, or regulation which falsely purports to have been printed by the Government printer, \* \* \* or tenders in evidence any copy of any proclamation, order, or regulation which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or,

(2.) Forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation;

he shall be guilty of felony, and shall on conviction be liable to be sentenced to penal servitude for such term as is prescribed by the Penal Servitude Act, 1864, as the least term to which an offender can be sentenced to penal servitude, or to be imprisoned for any term not exceeding two years, with or without hard labour.

5. The following words shall in this Act have the meaning Definition  
hereinafter assigned to them, unless there is something in the of terms.  
context repugnant to such construction; (that is to say,)

\* \* \* \* \*

“Privy council” shall include Her Majesty in council and “Privy the lords and others of Her Majesty’s privy council, council.” or any of them, and any committee of the privy council that is not specially named in the schedule hereto.

“Government printer” shall mean and include the printer “Government to Her Majesty \* \* \* printer.”

“Gazette” shall include the *London Gazette* \* \* \* “Gazette.”

6. The provisions of this Act shall be deemed to be in Act to be  
addition to, and not in derogation of, any powers of proving cumulative.  
documents given by any existing statute or existing at common law.

(b) See 34 & 35 Vict. c. 70, s. 5.

## SCHEDULE.

Column 1. Name of Department (a) or Officer.	Column 2. Names of Certifying Officers (c).
The commissioners of the treasury.	Any commissioner, secretary, or assistant secretary of the treasury.
The commissioners for executing the office of lord high admiral.	Any of the commissioners for executing the office of lord high admiral or either of the secretaries to the said commissioners.
Secretaries of state.	Any secretary or under-secretary of state.
Committee of privy council for trade.	Any member of the committee of privy council for trade or any secretary or assistant secretary of the said committee.
The poor law board (b).	Any commissioner of the poor law board or any secretary or assistant secretary of the said board.

## 31 &amp; 32 VICT. CHAP. 47.

AN ACT to amend "The Consecration of Churchyards Act, 1867."  
[13th July, 1868.]

30 & 31 Vict.  
c. 133.

WHEREAS it is expedient that the Consecration of Churchyards Act, 1867, should be amended as hereinafter mentioned :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. That in all cases where by the said Act the giver of any land to be added to a consecrated churchyard is empowered to reserve the exclusive right in perpetuity of burial, and of placing monuments and gravestones in a part of the land so added not exceeding fifty square yards or one sixth of the whole of the said land, in the manner and subject to the conditions and restrictions in the said Act mentioned, it shall be

(a) Also postmaster general, 33 & 34 Vict. c. 79, s. 21.

(b) See 4 & 5 Will. 4, c. 76, s. 3; 7 & 8 Vict. c. 101, s. 71; 8 & 9 Vict. c. 113; 10 & 11 Vict. c. 109, s. 5; and 34 & 35 Vict. c. 70, s. 5.

(c) Also secretary or assistant secretary of the post office; 33 & 34 Vict. c. 79, s. 21; and as to the education department, see 33 & 34 Vict. c. 75, s. 83.

Giver of land may reserve exclusive right to extent of one sixth.

lawful for the giver of such land to reserve such exclusive right as aforesaid in a part of the land so added not exceeding one sixth of the whole of the said land, subject to the restrictions and conditions and in the manner and for the purposes in the said Act mentioned, and the said Act shall be read as if in the ninth section thereof the words “not exceeding one sixth part of the whole of the said land” were substituted for the words “not exceeding fifty square yards or one sixth of the whole of the said land:” Provided always, that all powers with regard to the placing or erection of monuments and gravestones in churchyards which before the passing of the said Act by law pertained to the bishop of the diocese, or to any person acting under his authority, shall remain in full force in respect to the land in which such exclusive right shall have been reserved as aforesaid.

2. The provisions of the said Act shall apply to burial grounds attached or belonging to union houses in England and Wales.

Recited Act to apply to burial grounds to unions.

31 & 32 VICT. CHAP. 58.

AN ACT to amend the Law of Registration so far as relates to the Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto. [16th July, 1868.]

\* \* \* \* \*

2. This Act shall be construed as one with the principal Act (d), and may be cited for all purposes as “The Parliamentary Electors Registration Act, 1868.”

This and principal Act construed as one.

\* \* \* \* \*

PART II.

AMENDMENT OF LAW AS TO REGISTRATION.

\* \* \* \* \*

*Amendment of the Representation of the People Act, 1867.*

17. Whereas by the first enactment contained in the thirtieth section of the Representation of the People Act, 1867, it is enacted, that “the overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this Act, in the same manner and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the Registration Acts to make out or cause to be made out a list of all persons entitled to vote for a member or members for a borough in respect of

Amendment of sect. 30 of 30 & 31 Vict. c. 102.

(d) See 6 & 7 Vict. c. 18.

the occupation of premises of a clear yearly value of not less than ten pounds:" And whereas by the fifty-ninth section of the same Act it is further provided that the said Representation of the People Act, 1867, so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts: And whereas doubts are entertained, notwithstanding the said provisions, whether the fifteenth section of the principal Act, relating to the claims of persons omitted from borough lists of voters, or desirous of being registered in respect of a different qualification from that appearing in such lists, does or does not apply with the necessary variations to the rectification of the lists of county voters to be made in pursuance of the said enactment: It is hereby declared, That the said fifteenth section of the principal Act shall apply to the list of persons on whom a right to vote for a county in respect of the occupation of premises is conferred by the Representation of the People Act, 1867, in the same manner as if the list of voters in the said fifteenth section referred to were the list of voters made in pursuance of the enactment contained in the thirtieth section of the Representation of the People Act instead of the list of voters for a city or borough as specified in the said fifteenth section.

\* \* \* \* \*

Provision as  
to 12l.  
occupiers.

19. In the lists and register of voters for a county the names of the persons in any parish or township on whom a right to vote for a county in respect of the occupation of premises in such parish or township is conferred by the Representation of the People Act, 1867, shall appear in a separate list after the list of voters in such parish or township otherwise qualified, and such separate list shall be deemed to be part of the lists of county voters of such parish or township, and shall be annually made anew by the overseers of such parish or township, subject to this proviso, that the revising barrister shall erase from the separate list of such occupiers as aforesaid all persons who appear to him from the accompanying lists to be entitled to vote in the same polling district in respect of some other qualification to which no objection is made, except in cases where any person whose name is about to be erased object to the erasure, in which case such person shall be deemed to have given due notice of his claim to have his name inserted in the list of occupiers, and shall be dealt with accordingly.

Amendment  
of law re-  
specting the  
registration  
of lodgers.

20. Notwithstanding anything contained in the thirtieth section of the Representation of the People Act, 1867, and the thirty-eighth section of the principal Act therein referred to, the names of the persons in any parish or township on whom a right to vote for a member or members to serve for any borough in respect of the occupation of lodgings is conferred by the Representation of the People Act, 1867, shall, in the lists and register of voters for such boroughs, appear in a separate list.

\* \* \* \* \*

*Miscellaneous Amendments.*

22. Where any parish in a county, city, or borough forms part of more than one polling district, the part of such parish situate in each polling district shall be deemed to be a separate parish for the purposes of the revision of voters and the lists and register of voters, and may be designated by some distinguishing addition in the list of voters for such part of a parish (a).

Parish situate in more than one polling district.

23. Whereas it is expedient to provide a summary remedy for the recovery by town clerks and returning officers of sums of money due to them in respect of expenses incurred in pursuance of the Registration Acts (b): Be it enacted, that if the overseers of any parish or township refuse or neglect to pay to the town clerk or returning officer of any borough, out of the first monies to be collected for the relief of the poor, any contribution or sum required to be paid to him by the fifty-fifth section of the principal Act, or any Act amending the same, or any part of such contribution or sum, it shall be lawful for any justice of the peace for the county or place within which such parish or township is wholly or in part situate, upon information and complaint in writing, and after seven days notice in writing to be served upon such overseers or one of them, by warrant under his hand to levy such contribution or sum by distress and sale of the goods of the offender or offenders, together with all costs occasioned by the making of such complaint, service of such summons, and the obtaining and executing such warrant.

Recovery of expenses by town clerks and returning officers.

28. The overseers of every parish or township shall produce to the barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to their parish or township, all rates made for the relief of the poor of their parish or township between the fifth day of January in the year then last past and the last day of July in the then present year; and any overseer wilfully refusing or neglecting to produce any such rates shall be deemed wilfully guilty of a breach of duty in the execution of the principal Act, and be punishable accordingly.

Production of rate books by overseers. 6 Vict. c. 18. ss. 34, 35.

29. The barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to a parish or township, may require any overseer or overseers of a past year, or other person having the custody of any poor rate of the then current or any past year, or any relieving officer, to attend before him, at any such court, and they shall attend accordingly and answer all such questions as may be put to them by the barrister; and any overseer or relieving officer (c)

Power of revising barrister to summon overseers, &c. 6 Vict. c. 18. ss. 34, 35.

(a) See 30 & 31 Vict. c. 102, s. 34. (b) See 30 & 31 Vict. c. 102, s. 31.

(c) See sect. 31, *infra*.

wilfully refusing or neglecting to comply with the requirements authorized to be made by the revising barrister in pursuance of this section shall be punishable in the same manner in which an overseer wilfully guilty of a breach of duty in the execution of the principal Act is punishable under the principal Act.

Application  
of certain  
rating sections  
to counties.

30. The thirtieth section of the Act of the session of the second year of King William the Fourth, chapter forty-five, and the seventy-fifth section of the principal Act, shall apply to all occupiers of premises capable of conferring the franchise for a county under the Representation of the People Act, 1867.

Expenses of  
overseers  
and relieving  
officers.

31. All expenses properly incurred by an overseer in pursuance of this Act shall be deemed to be expenses properly incurred by him in carrying into effect the provisions of the principal Act, and any expense incurred by any relieving officer in attending a revising barrister in pursuance of this Act (the amount to be certified by the revising barrister) shall be deemed to be expenses properly incurred by him in the execution of his duty as relieving officer, and shall be defrayed accordingly (a).

Certificate  
of revising  
barrister to  
be conclusive.

32. The certificate given to the overseers by the revising barrister under section fifty-seven of the principal Act for the expenses incurred by them in carrying into effect the provisions of the Registration Acts shall be final and conclusive; provided nevertheless, that such certificate shall be signed by the revising barrister in open court, and any ratepayer present shall have a right to inspect the account of expenses delivered in by the overseers, and to object to any item or items included therein, before such account is allowed by the revising barrister, who shall hear any such objection and make a decision respecting the same.

\* \* \* \* \*

### 31 & 32 VICT. CHAP. 67.

AN ACT to amend the Law relating to the Funds provided for defraying the expenses of the Metropolitan Police.

[31st July, 1868.]

“ WHEREAS, in pursuance of the Acts relating to the metropolitan police, the expenses of the said police are defrayed out of an annual sum limited not to exceed eightpence in the pound on the full annual value of all property rateable for the relief of the poor within the parishes, townships, precincts, and places therein described, such value to be computed as therein mentioned :

(a) See 6 Vict. c. 18, s. 57; and sect. 29, *supra*.

“ And whereas the said sum is not sufficient to provide for the expenses of the increased force of police required for the protection of the metropolis:”

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as “ The Police Short title. Rate Act, 1868.”

2. The annual sum to be provided in pursuance of the said Acts for defraying the expenses of the Metropolitan Police Force shall not exceed ninepence in the pound, calculated on such value as aforesaid, and of such annual sum to be so provided one fourth part shall be contributed by the treasury out of monies to be for that purpose provided by parliament, and three fourth parts shall be raised by a rate in manner provided by the said Acts (b).

\* \* \* \* \*

### 31 & 32 VICT. CHAP. 72.

AN ACT to amend the Law relating to Promissory Oaths.  
[31st July, 1868.]

WHEREAS it is expedient to amend the law relating to promissory oaths :

\* \* \* \* \*

1. This Act may be cited for all purposes as the “ Promis- Short title. sory Oaths Act, 1868.”

### PART 1.

#### OATHS TO BE CONTINUED.

#### *Oath of Allegiance. Official and Judicial Oaths.*

2. The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say, Form of oath of allegiance.

“ I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me GOD.”

3. The oath in this Act referred to as the official oath shall be in the form following; that is to say, Form of official oath.

“ I do swear that I will well and truly serve Her Majesty Queen Victoria in the office of

“ So help me GOD.”

\* \* \* \* \*

5. The oath of allegiance and official oath shall be tendered to and taken by each of the officers named in the first part of

(b) See 10 Geo. 4, c. 44; 2 & 3 20 & 21 Vict. c. 64; 24 & 25 Vict. Vict. c. 47; 19 & 20 Vict. c. 2; c. 124.

of allegiance  
and official  
oath.

the schedule annexed hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said first part of the said schedule.

\* \* \* \* \*

Penalty on  
not taking  
required oath.

7. If any officer specified in the schedule hereto declines or neglects, when any oath required to be taken by him under this Act is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath or make such affirmation more times than one.

\* \* \* \* \*

### *Miscellaneous Provisions as to Oaths.*

The name of  
the Sovereign  
for the time  
being to be  
used in the  
oath.

10. Where in any oath under this Act the name of Her present Majesty is expressed, the name of the Sovereign of this kingdom for the time being shall be substituted from time to time.

Provision in  
favour of  
persons per-  
mitted to  
make affirma-  
tions.

11. When an oath is required to be taken under this Act, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely, and truly declare and affirm" for the word "swear," and omitting the words "So help me God."

## PART 2.

### OATHS TO BE ABOLISHED.

#### *Substitution of Declaration for Oaths.*

Regulations  
as to substitu-  
tion of decla-  
rations for  
oaths.

12. The following regulations shall be enacted with respect to the substitution of declarations for oaths; (that is to say,)

\* \* \* \* \*

4. Where in any case not otherwise provided for by this Act or included within the saving clauses thereof an oath is required to be taken by any person on or as a condition of his accepting any employment or office, a declaration shall be substituted for such oath to the like effect in all respects as such oath:

5. The making a declaration in pursuance of this section instead of oath shall in all respects have the same effect as the taking the oath for which such declaration is substituted would have had if this Act had not passed.

Penalty on  
not making  
declaration

13. If any person required by this Act to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities,

if any, as he would have been subjected to for declining or required by neglecting to take the oath for which the declaration provided this Act. by this Act is substituted.

### PART 3.

#### *Saving Clause.*

14. Nothing in this Act contained shall affect—  
 \* \* \* \* \*
10. Any oath required or authorized by Act of parliament to be taken or made for the purpose of attesting any fact or verifying any account or document :  
 \* \* \* \* \*
12. Any oath required to be taken by any juror, witness, or other person in pursuance of any Act of parliament or custom as preliminary to or in the course of any civil, military, criminal, or other trial, inquest, or proceedings of a judicial nature, including any arbitration, or as preliminary to or in the course of any proceedings before a committee of either house of parliament, or before any commissioner or other special tribunal appointed by the Crown.  
 \* \* \* \* \*

Not to affect matters herein stated.

### SCHEDULE.

#### FIRST PART.

##### ENGLAND.

\* \* \* { The oath as to England is to be tendered by  
 President of the { the clerk of the council, and taken in  
 Poor Law Board. { presence of Her Majesty in council, or  
 \* \* \* { otherwise as Her Majesty shall direct.

### 31 & 32 VICT. CHAP. 109.

#### AN ACT for the Abolition of compulsory Church Rates.

[31st July, 1868.]

\* \* \* \* \*

3. In any parish where a sum of money is at the time of Provision the passing of this Act due on the security of church rates, or where money of rates in the nature of church rates, to be made or levied in is due on such parish under the provisions of any Act of parliament, or security of where any money in the name of church rate is ordered to be such rates. raised under any such provisions, such rates may still be made and levied, and the payment thereof enforced by process of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised, and the costs incidental thereto, but not otherwise, until

the same shall have been liquidated (a): Provided, that the accounts of the churchwardens of such parish in reference to the receipt and expenditure of the monies levied under such Acts shall be audited annually by the auditor of the poor law union within whose district such parish shall be situate, unless another mode of audit is provided by Act of parliament (b).

\* \* \* \* \*

Trustees and others under incapacity may subscribe to voluntary rate.

7. It shall be lawful for all bodies corporate, trustees, guardians, and committees who or whose cestuisque trust are in the occupation of any lands, houses, or tenements to pay, if they think fit, any church rate made in respect of such property, although the payment of the same may not be enforceable after the passing of this Act, and the same shall be allowed to them in any accounts to be rendered by them respectively.

Regulations as to persons refusing to pay church rates.

8. No person who makes default in paying the amount of a church rate for which he is rated shall be entitled to inquire into, or object to, or vote in respect of the expenditure of the monies arising from such church rate; and if the occupier of any premises shall make default for one month after demand in payment of any church rate for which he is rated, the owner shall be entitled to pay the same, and shall thereupon be entitled, until the next succeeding church rate is made, to stand for all purposes relating to church rates (including the attending at vestries and voting thereat) in the place in which such occupier would have stood.

\* \* \* \* \*

### 31 & 32 VICT. CHAP. 110.

AN ACT to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs. [31st July, 1868.]

\* \* \* \* \*

Postmaster general to pay rates, &c.

22. All land, property, and undertakings, purchased or acquired by the postmaster general under this Act, shall be assessable and rateable in respect to local, municipal, and parochial rates, assessments, and charges at sums not exceeding the rateable value at which such land, property, and undertakings were properly assessed or assessable at the time of such purchase or acquisition.

\* \* \* \* \*

### 31 & 32 VICT. CHAP. 122.

AN ACT to make further Amendments in the Laws for the Relief of the Poor in England and Wales. [31st July, 1868.]

WHEREAS it is desirable that sundry amendments should be made in the laws for the relief of the poor, and certain other provisions enacted for facilitating the administration of such relief:

\* \* \* \* \*

(a) See 32 & 33 Vict. c. 67, s. 45, as to the metropolis.

(b) See 5 Geo. 4, c. 36, s. 1.

1. The poor law board shall cause a copy of every general rule, order, or regulation issued by them to be laid before both houses of parliament as soon as practicable after its publication (c), but no order of the said board by which a district of unions or parishes and unions shall have been or shall be formed shall be deemed to be a general order within the meaning of the Poor Law Board Act, 1847 (d).

Regulations as to general orders of the poor law board.

2. The said board shall not be required to send copies of any orders issued by them to the clerks to the justices of the petty sessional divisions, except such as relate to the relief of the poor, the government and management of workhouses and their inmates, and the guidance and regulation of guardians and their officers (e).

The sending of copies of orders to the clerks of the justices only to be required in certain cases.

3. So much of the second section of the Poor Law Amendment Act, 1867 (f), as excepts the unions and parishes in the metropolis from the operation of that section, is hereby repealed.

Repeal of exception in sect. 2 of 30 & 31 Vict. c. 106.

4. The poor law board may exercise the powers contained in the thirty-second section of the Poor Law Amendment Act, 1834, with respect to any union of parishes formed under the eighty-third chapter of the statute of the twenty-second year of King George the Third, and with respect to any union governed by a local Act of parliament, where the relief of the poor is not wholly administered by one board of guardians, without such concurrence of a majority of not less than two thirds of the guardians of such union as is required in the said section; and every single parish in which the provisions of the said statute of George the Third shall have been adopted may be dealt with in like manner as any parish in which they shall not have been adopted, and the powers conferred upon the said board by the forty-first section of the said Poor Law Amendment Act, 1834, in regard to unions and parishes governed by any local Act of parliament, may be exercised by such board without the consent of the majority of the owners and ratepayers of property as therein required, as and when such board shall deem it expedient.

Consent of guardians not required in certain cases.

Consent of owners of property and ratepayers dispensed with in certain cases.

5. All superintendent registrars and registrars of births, deaths, and marriages, and registrars of marriages, in temporary districts formed under the provisions of the Act sixth and seventh William the Fourth, chapter eighty-six (g), shall be entitled to continue in office in the event of such temporary districts being dissolved, and the parishes, townships, and places contained therein being formed into one and the same union.

Superintendent registrars and registrars in temporary districts.

6. The said board may, by order under seal, add any parish in a union, the population of which parish, according to the census last declared, shall not exceed three hundred, the

Poor law board may unite small

(c) See 4 & 5 Will. 4, c. 76, s. 17; 7 & 8 Vict. c. 101, s. 71; and 31 & 10 & 11 Vict. c. 109, ss. 14, 15. 32 Vict. c. 37, s. 2.

(d) See 7 & 8 Vict. c. 101, ss. 32, (f) See 30 & 31 Vict. c. 106, s. 2. 40; and 30 Vict. c. 6, s. 6. (g) See 6 & 7 Will. 4, c. 86, s. 10.

(e) See 4 & 5 Will. 4, c. 76, s. 18;

parishes for the election of guardians.

annual rateable value whereof shall not exceed the average rateable value of the parishes in the same union according to the valuation lists in force for the time being, to some adjoining parish in the same union for the purpose of the election of guardians; and the persons qualified to elect such guardians in either parish shall be qualified to vote at such election for the parishes so united (*a*).

Poor law board may appoint officers when guardians make default.

7. In case the board of guardians fail for twenty-eight days after receipt of a requisition of the poor law board in that behalf to appoint, either originally or on a vacancy, any officer whom they shall be lawfully required to appoint, the poor law board may, at any time after the expiration of the said term of twenty-eight days, if they think fit, by order under their seal, appoint a fit person to be such officer, and determine the salary or remuneration to be paid to him by such guardians; and the person so appointed shall recover such salary or remuneration by action in a county or other court of law against such guardians, and shall have all the same powers, rights, and privileges, and shall discharge all the same duties, and incur the same responsibilities, as if the appointment had been duly made by the said guardians (*b*).

Extension of the power of the poor law board to order works and furniture for work-houses.

8. The power conferred upon the poor law board by the twenty-fifth section of the Poor Law Amendment Act, 1834, as extended by the eighth section of the Poor Law Amendment Act, 1866, shall apply to the providing of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, and other conveniences at any workhouse (*c*).

Provision for vacancies and resignations of managers under the Metropolitan Poor Act.

9. All the provisions contained in the Poor Law Amendment Act, 1842, in respect of the election, qualification, resignation, and the acts of guardians of a union, and in respect of the supply of vacancies in the board of guardians (*d*), shall apply to the members of the district boards or board formed or to be formed under the authority of the Metropolitan Poor Act, 1867, whether nominated or elective, or of this Act, and to the persons nominated as guardians by the poor law board under the said Act of 1867; and so much of the Metropolitan Poor Act, 1867 (*e*), as requires persons, other than justices of the peace, nominated by the poor law board as managers or guardians, to be resident within the district, union, or parish respectively for which they may be nominated, shall be repealed (*f*).

Consent of meeting of guardians sufficient for the formation of a

10. Where the consent of the guardians of any union or parish is required to be given to the formation of a school district, the consent of the major part of the guardians assembled at one of their ordinary meetings, after notice in writing previously sent to every member of the board not less than two

(*a*) See 4 & 5 Will. 4, c. 76, s. 38.      guards the metropolis, 33 & 34 Vict.  
 (*b*) See 10 & 11 Vict. c. 109, s. 24;      c. 18, s. 1 (4).  
 and 30 Vict. c. 6, s. 80.      (*d*) See 5 & 6 Vict. c. 57, ss. 8-15.  
 (*c*) See 4 & 5 Will. 4, c. 76, s. 25;      (*e*) See 30 Vict. c. 6, s. 79.  
 29 & 30 Vict. c. 113, s. 8; and as re-      (*f*) See *ib.* s. 11.

weeks previously specifying the proposal for such consent, shall be sufficient (*g*). school district.

11. From and after the twenty-ninth day of September next the Act of the session held in the thirteenth and fourteenth years of Her present Majesty, chapter eleven, shall be repealed in respect of any debts, charges, and liabilities to be incurred or created after that day; and thenceforth all the expenses and charges which, according to the provisions of the Poor Law Amendment Act, 1844, would be chargeable upon the common fund of any district formed or to be formed under that Act or under this Act, shall be borne by the several unions or parishes comprised in the district according to the annual rateable value of the property therein comprised, to be determined according to the valuation lists in force in such unions, and according to the latest poor rate for the time being for the parishes not in union, or, so far as respects any district wholly or partially within the metropolis, as defined by the Metropolis Poor Act, 1867 (*h*), on such other basis as the poor law board shall from time to time direct. New basis for the contributions in school and other districts.

12. In the case of a parish added to or taken from any union comprised in a school district the poor law board shall ascertain the proportionate value of the property and amount of obligations of such parish, and of every other parish or union affected by the change, and shall fix the amount to be received or paid or secured to be paid by every such parish or union, or by the district, as the case may require (*i*). Provision for the severance of a parish from a union in a school district, or the addition of a parish thereto.

13. The guardians of any union or parish may, with the consent of the poor law board, send an idiotic pauper to an asylum or establishment for the reception and relief of idiots maintained at the charge of the county rate or by public subscription, and they may with the like consent send any idiotic, imbecile, or insane pauper who may lawfully be detained in a workhouse (*k*) to the workhouse of any other union or parish (*l*), with the consent of the guardians of such last-mentioned union or parish, and pay the cost of the maintenance, clothing, and lodging of such pauper in the asylum, establishment, or workhouse, as well as the cost of his conveyance thereto or his removal therefrom, and the expenses of his burial, when necessary (*m*). Guardians may pay the cost of idiots sent to asylums for idiots.

14. The provisions contained in the twenty-third clause of the Poor Law Amendment Act, 1867 (*n*), shall apply to pauper lunatics sent to an asylum before the passing of that Act as well as since. The 30 & 31 Vict. c. 106, s. 23, to have a retrospective effect.

15. The provisions contained in the twentieth section of the Poor Law Amendment Act, 1867 (*o*), shall extend to the case The 30 & 31 Vict. c. 106,

(*g*) See 7 & 8 Vict. c. 101, s. 40; and 11 & 12 Vict. c. 82, s. 1.

(*h*) See 30 Vict. c. 6, s. 3.

(*i*) See 4 & 5 Will. 4, c. 76, s. 32.

(*k*) See 30 & 31 Vict. c. 106, s. 22.

(*l*) See 25 & 26 Vict. c. 111, s. 8.

(*m*) See 7 & 8 Vict. c. 101, s. 31.

(*n*) See 30 & 31 Vict. c. 106, s. 23.

(*o*) See *ib.* s. 20.

s. 20, extended.

of a parish which shall have been or shall be added to or separated from a union, and to any officer who by reason of such addition or separation shall have been or shall be deprived of his office or employment.

A separate creed register to be kept in every workhouse and pauper school.

16. The officer for the time being acting as the master of a workhouse, or as the master or superintendent of a district or other pauper school, shall keep a register of the religious creed of the pauper inmates of such workhouse or school separate from all other registers in such form and with such particulars as shall be prescribed by the poor law board by an order under their seal, and shall, as regards every inmate of such workhouse or school at the date to be fixed by such order, and subsequently upon the admission of every inmate therein, make due inquiry into the religious creed of such inmate, and enter such religious creed in such register.

How the religion of children to be entered in the creed register.

17. In regard to any child in the workhouse or school under the age of twelve years, whether either of its parents be in the workhouse or not, or whether it be an orphan or deserted child, the master or superintendent shall enter in such register, as the religious creed of such child, the religious creed of the father, if the master or superintendent know or can ascertain the same by reasonable inquiry, or if the same cannot be so ascertained, the creed of the mother of such child, if the same be known to the said master or superintendent, or can be by him in like manner ascertained; and the creed of an illegitimate child under the said age shall be deemed to be that of its mother, when that can be ascertained.

The poor law board to decide questions as to correctness of the register.

18. If any question shall arise as to the correctness of any entry in such register, the poor law board may, if they think fit, inquire into the circumstances of the case, and determine such question by directing such entry to remain or to be amended, according to their judgment (a).

Creed register to be open to inspection of minister.

19. Every minister of any denomination officiating in the church, chapel, or other registered place of religious worship of such denomination which shall be nearest to any workhouse or school, or any ratepayer of any parish in the union, shall be allowed to inspect the register which contains the entry of the religious creed of the inmates at any time of any day, except Sunday, between the hours of ten before noon and four after noon.

Minister may, subject to regulations, visit and instruct inmates registered as of his religious creed.

20. Such minister may, in accordance with such regulations as the said board shall approve of or by their order prescribe, visit and instruct any inmate of such workhouse or school entered in such register as belonging to the same religious creed as such minister belongs to, unless such inmate, being above the age of fourteen, and after having been visited at least once by such minister, shall object to be instructed by him (b).

(a) See 29 & 30 Vict. c. 113, s. 4.

(b) See 4 & 5 Will. 4, c. 76, s. 19.

21. Every inmate for whom a religious service according to his own creed shall not be provided in the workhouse shall be permitted, subject to regulations to be approved of or ordered by the poor law board, to attend, at such times as the said board shall allow, some place of worship of his own denomination within a convenient distance of the said workhouse, if there be such in the opinion of the board: Provided that the guardians may, for abuse of such permission previously granted, or on some other special ground, refuse permission to any particular inmate, and shall in such case cause an entry of such refusal and the grounds thereof to be made in their minutes.

Where no religious service provided in the workhouse, the inmate may, subject to regulations, go to his own proper place of worship.

22. No child, being an inmate of a workhouse or such school as aforesaid, who shall be regularly visited by a minister of his own religious creed for the purpose of religious instruction, shall, if the parents or surviving parent of such child, or in the case of orphans or deserted children if such minister make request in writing to that effect, be instructed in any other religious creed, or be required or permitted to attend the service of any other religious creed, than that entered in such register as aforesaid, except any child above the age of twelve years who shall desire to receive instruction in some other creed, or to attend the service of any other religious creed, and who shall be considered by the poor law board to be competent to exercise a judgment upon the subject (c).

No child in the workhouse or school visited by a minister of its own religion shall be required to attend any other religious services, unless, being above twelve years of age, he shall desire to do so.

23. The Act of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and section fourteen of the Poor Law Amendment Act of 1866, shall apply to illegitimate as well as legitimate children; and with regard to illegitimate children the consent of the mother, if she has the care, custody, or possession of the child, shall be sufficient for the purposes of those Acts; and in case of a deserted child or an orphan child on behalf of whom no relative, next of kin, step-parent, or god-parent shall make application, the poor law board may exercise the power conferred upon them by section fourteen of the said Act of 1866, upon being satisfied that there is reasonable ground for their doing so (d).

Interpretation of 25 & 26 Vict. c. 43, and 29 & 30 Vict. c. 113, s. 14. as to child and consent of parents.

24. So much of the Poor Law Amendment Act, 1844, section thirty-two (e), as provides for the election of district auditors, shall be repealed; and whenever the office of an auditor appointed or to be appointed under the authority of the said Act shall, after the passing of this Act, become vacant, or whenever an auditor shall be ordered to be appointed for any district or parish under the authority of the said Act, or of the Poor Law Amendment Act, 1834, the poor law board may, by order under their seal, appoint a person to be auditor of such district (or any part thereof) or of such parish (f); and the said person

Poor law board to appoint auditors.

(c) See 4 & 5 Will. 4, c. 76, s. 19. 49; 11 & 12 Vict. c. 91, s. 10; 12

(d) See 25 & 26 Vict. c. 43, s. 1; & 13 Vict. c. 103, s. 8; 30 Vict. c. 6, and 29 & 30 Vict. c. 113, s. 14. ss. 33, 37.

(e) See 7 & 8 Vict. c. 101, ss. 32, (f) See 34 & 35 Vict. c. 70, s. 3.

so appointed shall have all the powers and privileges, and shall do all the matters and things, which the auditors of districts under any Act of Her Majesty have or are required or empowered to do; and the provisions contained in the Poor Law Board Act, 1847, relative to the salaries of the persons therein mentioned, shall apply to the salaries of the persons to be appointed as auditors by the poor law board (*a*); provided that before such auditor shall be empowered to act a notice of his appointment shall be inserted in the *London Gazette*, and no further or other notice or proof of such appointment shall be required (*b*).

25. Every auditor for the time being appointed under the authority of the said Poor Law Amendment Act, 1834, or of any Act amending the same, shall be deemed to be a civil servant of the state within the operation of the Act of the twenty-second year of Her Majesty's reign, chapter twenty-six.

26. So much of the eighty-sixth chapter of the Act passed in the session held in the sixth and seventh years of the reign of His late Majesty as provides that the poor law commissioners shall appoint a registrar to the temporary districts therein referred to shall be repealed; and the board of guardians acting therein shall henceforth appoint the registrars for such districts (*c*).

27. From the twenty-fifth day of December next every place which was or is reputed to be extra-parochial, whether entered by name in the report upon the census for the year one thousand eight hundred and fifty-one or not, for which an overseer has not been then appointed, or for which no overseer shall be then acting, or which has not been then annexed to and incorporated with an adjoining parish (*d*), shall for all civil parochial purposes be annexed to and incorporated with the next adjoining parish with which it has the longest common boundary, and in case there shall be two or more parishes with which it shall have boundaries of equal extent, then with that parish which now contains the lowest amount of rateable value; and every accretion from the sea, whether natural or artificial, and the part of the seashore to the low-water mark, and the bank of every river to the middle of the stream, which on the said twenty-fifth day of December next shall not be included within the boundaries of or annexed to and incorporated with any parish, shall for the same purposes be annexed to and incorporated with the parish to which such accretion, part, or bank adjoins in proportion to the extent of the common boundary.

28. The provisions of the seventh section of the Poor Law Amendment Act, 1848 (*e*), empowering guardians of unions to cause valuations to be made upon application as therein set

(*a*) See 10 & 11 Vict. c. 109, s. 8.

(*b*) See 30 Vict. c. 6, s. 33; and  
32 & 33 Vict. c. 63, s. 10.

(*c*) See 6 & 7 Will. 4, c. 86, s. 10.

(*d*) See 20 Vict. c. 19, s. 4.

(*e*) See 11 & 12 Vict. c. 110, s. 7.

Notice of  
appointment  
of auditor to  
be inserted  
in *London  
Gazette*.

Existing  
auditors may  
be super-  
annuated  
under  
22 Vict. c. 26.

Repeal of  
6 & 7 Will. 4,  
c. 86, s. 10,  
requiring the  
poor law com-  
missioners  
to appoint  
registrars  
in certain  
places.

Provision  
for incor-  
poration of  
certain  
extra-  
parochial  
places.

11 & 12 Vict.  
c. 110, s. 7,  
extended to  
a parish.

forth, shall apply to the guardians of a parish not comprised in any union (*f*).

29. Where an appeal is brought against the poor rate of a parish in a union, and may appear to involve a principle in which some neighbouring parish has a common interest, it shall be lawful for the guardians of the unions comprising such parishes to enter into an agreement mutually to bear the costs which may be properly incurred in and about the trial of such appeals on the part of the several respondents, as well as the costs of the appellants, if any, which may be awarded against the respondents, in such proportions as shall be fixed and determined with reference to the amount of interest of the several unions in the question, or otherwise as shall appear just; and the said agreement shall continue binding upon the several boards of guardians and their respective successors in succession until the several appeals shall have been finally determined (*g*).

Power for guardians of unions mutually to bear the costs of several appeals involving the same common principle.

30. When the assessment committee in any union shall have finally approved of any valuation list, whether original, substitutional, or supplemental, they shall cause the total of the entries in the columns for the gross estimated value and the rateable value to be ascertained and entered at the foot of the same, and shall retain such list for the use of the guardians, to be dealt with in the manner provided by the thirty-first section of the Union Assessment Committee Act, 1862, and shall deliver a fair copy of the same to the overseers, signed by the three members of the committee who approved of the same; and such copy shall be countersigned by the clerk of the committee, and shall be preserved by the overseers, and dealt with by them in all respects as the lists made out by them would have been dealt with according to the law now in force, and it shall not be necessary for the said committee to cause any other copy to be made (*h*).

Columns in the valuation lists to be cast up by the committee, and fair copies of the approved valuation lists to be given to the overseers instead of originals.

31. Where any valuation list heretofore approved, or the copy hereafter to be made, shall be lost, injured, or destroyed, the overseers of the parish to which it relates may apply to the clerk of the guardians for a copy of the same; and the clerk, upon payment of a reasonable compensation, not exceeding three shillings for one hundred separate rateable hereditaments, shall give such copy, and certify the same to be a true copy of the list deposited with the said guardians, and such certified copy shall be thenceforth available as the original (*h*).

Certified copies of valuation lists rendered available whose original is lost.

32. The guardians may, upon the application of the assessment committee, after notice sent in the manner required by the Union Assessment Committee Act, 1862, appoint some competent person to assist the committee in the valuation of the

Guardians may appoint a paid valuer to assist the assessment committee.

(*f*) See 6 & 7 Will. 4, c. 96, s. 3. sections are repealed by 32 & 33

(*g*) See 11 & 12 Vict. c. 91, s. 11. Vict. c. 67, s. 77, and Sch. 5.

(*h*) As regards the metropolis, these

rateable hereditaments of the union for such period as they shall see fit, at a salary or other settled remuneration to be paid out of the common fund (a).

Order may be made in petty sessions upon a husband to maintain his wife.

33. When a married woman requires relief without her husband, the guardians of the union or parish, or the overseers of the parish, as the case may be, to which she becomes chargeable, may apply to the justices having jurisdiction in such union or parish in petty sessions assembled, and thereupon such justices may summon such husband to appear before them to show cause why an order should not be made upon him to maintain his wife: and upon his appearance, or, in the event of his not appearing, upon proof of due service of such summons upon him, such justices may, after hearing such wife upon oath, or receiving such other evidence as they may deem sufficient, make an order upon him to pay such sum, weekly or otherwise, towards the cost of the relief of the wife, as, after consideration of all the circumstances of the case, shall appear to them to be proper, and shall determine in such order how and to whom the payments shall from time to time be made; which order shall, if the payments required by it to be made be in arrear, be enforced in the manner prescribed by the Act of the eleventh and twelfth Victoria, chapter forty-three, for the enforcing of orders of justices requiring the payment of a sum of money: Provided that such order may be at any future time revoked by the justices in petty sessions assembled, if they see sufficient cause for so doing (b).

Irremovability of poor persons not to be affected by an addition of a parish to a union or a separation therefrom.

34. Where any poor person shall have acquired an exemption from removal in any parish or union, and the parish wherein that exemption shall have been wholly or partly acquired shall have been or shall be added to or separated from a union, such poor person shall continue to have the same exemption from removal as he would have been entitled to if no such addition or separation had taken place.

(a) As regards the metropolis, these sections are repealed by 32 & 33 Vict. c. 67, s. 77, and Sch. 5. (b) See 43 Eliz. c. 2, s. 7; 5 Geo. 4, c. 83; and 33 & 34 Vict. c. 93, s. 13.

#### JURISDICTION OF JUSTICES.

Decisions on sect. 33.

The jurisdiction of justices to make an order under 31 & 32 Vict. c. 122, s. 33, upon a man for the relief of his wife, who is living apart from him, is not ousted by his offers to receive her back and provide for her. It is for the justices to consider, under all the circumstances of the case, whether or not the refusal of the wife to return to her husband's home is reasonable: *Thomas v. Alsop*, 21 L. T. (N. S.) 715; 39 L. J. M. C. 43; L. R. 5 Q. B. 151.

The guardians having applied for an order on the husband, under 31 & 32 Vict. c. 122, s. 33, it was proved that the wife had married a former husband in 1840, who left her in 1845; after which she was informed of his death on a voyage, but she was not able to ascertain the truth of his death. She married again in 1849, and the former husband had not been heard of since then: Held, that the justices were justified, on such evidence, in assuming that the second man to whom she was married was her lawful husband, and in making an order upon him accordingly: *Deakin v. Deakin*, 33 J. P. 805.

35. The time limited for the repayment of money borrowed under "The Poor Law Amendment Act, 1834" (c), and the subsequent Acts extending or amending the same, and "The Metropolitan Poor Act, 1867," shall be extended from twenty to thirty years: and the term "promoters of the undertaking" in section fifty-two of the last-mentioned Act shall be deemed to have included managers and guardians desirous of purchasing lands for any of the purposes of the Poor Law Acts as therein defined.

Extension of time for the re-payment of loans.  
Explanation of 30 & 31 Vict. c. 6, s. 52.

36. So much of the Acts of the forty-third Elizabeth, chapter two (d), and the fifty-ninth George the Third, chapter twelve (e), as enables orders of maintenance to be made by the justices having jurisdiction in the place where the persons upon whom they are to be made dwell, and as prescribes the penalty for disobedience, and section seventy-eight of the Poor Law Amendment Act, 1834, shall, in respect of any order to be made hereafter, be repealed; and such orders shall be made by the justices in petty sessions assembled at their usual place of meeting having jurisdiction in the union or parish to which the poor person in whose behalf the same shall be sought to be made shall be chargeable, and shall be enforced in the manner prescribed by the said Act of the eleventh and twelfth Victoria, chapter forty-three, for enforcing orders of justices (f).

Jurisdiction of justices to make orders of maintenance.

37. When any parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging for his child, being in his custody, under the age of fourteen years, whereby the health of such child shall have been or shall be likely to be seriously injured, he shall be guilty of an offence punishable on summary conviction, and being convicted thereof before any two justices shall be liable to be imprisoned for any period not exceeding six months, with or without hard labour, as such justices shall decide; provided that such justices may suspend the sentence until further notice if the offender enter into his own recognizances, with or without one or more sureties as the justices may think fit, to come up for judgment when called upon; and the guardians of the union or parish in which such child may be living shall institute the prosecution and pay the costs thereof out of their funds.

Parents neglecting their children liable to punishment.

(c) See 4 & 5 Will. 4, c. 76, s. 24; 6 & 7 Will. 4, c. 107; 1 & 2 Vict. c. 25, s. 1; 7 & 8 Vict. c. 101, s. 44; 30 Vict. c. 6, s. 17; 32 & 33 Vict. c. 45, s. 5; 32 & 33 Vict. c. 102, ss. 37, 38; and 35 Vict. c. 2.  
(d) See 43 Eliz. c. 2, s. 6.  
(e) See 59 Geo. 3, c. 12, s. 26.  
(f) See 30 & 31 Vict. c. 106, s. 27.

#### RESPONSIBILITY OF PARENTS.

If parents have not the means of providing proper food and nourishment for their infant children, who are incapable of taking care of themselves, it is their duty to apply for the assistance provided by means of the poor laws; therefore, a married woman, who having a child under such circumstances, wilfully neglected for several days going to the union for the purpose of getting support for it, she knowing that such neglect was likely to cause

*Decisions on sect. 37.*

Provision for  
the rating of  
new houses  
or buildings.

38. When any person shall occupy any new house or other building in any parish where the poor rate is not made under the provisions of a local Act, which house or building was incomplete, or not fit for occupation, or was not entered as such in the valuation list in force in the parish at the time when the current rate for the time being was made, the overseers may enter such house or building with the name of the occupier thereof and the date of the entry in the rate book, and require the occupier to pay such amount as according to their judgment shall be the proper sum, having due regard to the rateable value of such house or building, and the time which shall have elapsed from the making of the current rate to the date of such entry, and the person so charged shall be considered as actually rated from such date, and shall be liable to pay the sum assessed in like manner and subject to the like penalty of distress, and with the like power of appeal, as if he had been assessed for the same when the rate was made: Provided that when the said overseers shall so enter the said house or building in the rate book they shall forward to the assessment committee of the union comprising such parish, if any such there be, a supplemental list with reference to such house or building, and the same shall be dealt with in all respects, and with the like incidents and consequences, as a supplemental list made by the overseers under section twenty-five of "The Union Assessment Committee Act, 1862" (a).

Demand of  
poor rate may  
be made on  
the premises.

39. When a poor rate shall be made and assessed upon any land or premises, and the occupier thereof is not living on such land or premises nor in the parish for which the rate shall be made, or the owner, if assessed for such rate in the place of the occupier, is not living in such parish, a demand of the rate in writing delivered to the person having the custody of the land or premises, or if no such person can be found then affixed upon some conspicuous part of the land or premises,

(a) See 32 & 33 Vict. c. 41, s. 16. is repealed by 32 & 33 Vict. c. 67, As regards the metropolis, this section s. 77, and Sch. 5.

#### RESPONSIBILITY OF PARENTS—continued.

Decisions on  
sect. 37.

the child's death, was guilty of manslaughter; but there must be distinct proof of a continued abstaining from applying for relief for four or five days together: *Reg. v. Mabbett*, 5 Cox C. C. 339.

The first count of an indictment alleged that the prisoner unlawfully and wilfully neglected and refused to provide sufficient food for her infant child, she being able and having the means to do so. The second charged that she unlawfully and wilfully neglected and refused to provide her infant child with necessary food, but there was no allegation that she had the ability or means to do so. The jury returned a verdict of guilty, on the ground that if the prisoner had applied to the guardians for relief she would have had it. Held, that neither count was proved, as it was not enough that the prisoner could have obtained the food on application to the guardians: *Reg. v. Rugg*, 24 L. T. (N. S.) 192; 12 Cox C. C. 16.

shall be deemed a sufficient demand to justify proceedings for the non-payment of such rate; and where the residence or place of abode of the person assessed is not known to the overseers, and cannot be ascertained upon inquiry at the said land or premises, the summons for the non-payment of the rate may be served in like manner.

40. When a poor rate is assessed upon any corporation Demand of rate from a corporation or a company. aggregate, joint-stock or other company, or any conservators or other public trustees, a demand for payment, either made by letter sent through the post addressed to the clerk or secretary or other principal officer of the corporation, company, conservators, or trustees at the office of such corporation, company, conservators, or trustees, or made personally upon such clerk, secretary, or officer at such office, shall be deemed a sufficient demand, and a summons for the non-payment of such rate may be served in like manner.

41. When and so often as any bastard child for whose main- Payments for bastard children. tenance an order has been made by justices under the provisions of the fifth (b) section of the seventh and eighth Victoria, chapter one hundred and one, shall become chargeable to any parish or union, any two justices in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable to receive on account of such parish or union such proportion of the payments then due or becoming due under the order of petty sessions made under the provisions of the said Act as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one justice for the like period; and so much of section seven of the said Act as prohibits an officer of any parish or union from receiving money under such order as aforesaid is hereby repealed, and any payment so ordered to be made shall be recoverable by the relieving officer or other officer appointed to receive it in the manner provided by section three of the said Act (c).

42. The guardians of any union or parish may, with the Provision for poor deaf and dumb or blind children. approval of the poor law board, send any poor deaf and dumb or blind child to any school fitted for the reception of such child, though such school shall not have been certified under the provisions of the Act of the twenty-fifth and twenty-sixth years of Victoria, chapter forty-three (d).

43. The guardians of any union or parish may, with the con- Certain lunatics may be received in workhouses from county asylums. sent of the poor law board and the commissioners in lunacy, and subject to such regulations as they shall respectively prescribe, receive into the workhouse any chronic lunatic not being dan-

(b) *Sic.*

(d) See 25 &amp; 26 Vict. c. 43, s. 10,

(c) See 7 &amp; 8 Vict. c. 101, ss. 2-4. and sect. 13 of this Act.

gerous who may have been removed to a lunatic asylum, and selected by the superintendent of the asylum and certified by him to be fit and proper so to be removed, upon such terms as may be agreed upon between the said guardians and the committee of visitors of any such asylum, and thereupon every such lunatic, so long as he shall remain in such workhouse, shall continue a patient on the books of the asylum for and in respect of all the provisions in the Lunacy Acts, so far as they relate to lunatics removed to asylums (a).

Repeal of penalties on parish officers supplying goods in unions.

44. So much of the Act of the fifty-fifth year of the reign of King George the Third, chapter one hundred and thirty-seven, and of the Poor Law Amendment Act, 1834, as renders the churchwardens and overseers of the poor of any parish comprised in a union liable to a penalty in respect of the furnishing, providing, or supplying of goods, materials, or provisions for the use of any workhouse, or the support and maintenance of the poor, shall, as regards any supply after the passing of this Act, be repealed (b).

Interpretation of terms and consolidation of the Acts.

45. The words used in this Act shall be construed in the like manner as in the Poor Law Amendment Act, 1834 (c), and subsequent Acts amending and extending the same, and the provisions contained therein and in such subsequent Acts, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

Short title.

46. This Act may be cited and described for all purposes as "The Poor Law Amendment Act, 1868."

### 32 & 33 VICT. CHAP. 27.

AN ACT to amend the law for licensing Beerhouses, and to make certain alterations with respect to the sale by retail of Beer, Cider, and Wine. [12th July, 1869.]

\* \* \* \* \*

Notice of application.

7. Every person intending to apply to the justices for a certificate under this Act (d) shall, twenty-one days at least before he applies, give notice in writing of his intention to one of the overseers of the parish, township, or place in which the house or shop in respect of which his application is to be made is situate, and to some constable or peace officer acting within such parish, township, or place (e), and shall in such notice set forth his name and address, and a description of the licence or

(a) See 25 & 26 Vict. c. 111, s. 8; (c) See 4 & 5 Will. 4, c. 76, s. 109. and 26 & 27 Vict. c. 110, s. 2. (d) See sect. 4, *ante*.

(b) See 55 Geo. 3, c. 137, s. 6; (e) See 33 & 34 Vict. c. 29, s. 4 4 & 5 Will. 4, c. 76, s. 77; and (1). 12 & 13 Vict. c. 103, s. 6.

licences for which he intends to apply, and of the situation of the house or shop in respect of which the application is to be made (*f*); and in the case of a house or shop not theretofore licensed for the sale by retail of beer, cider, or wine, such person shall also within the space of twenty-eight days before such application is made cause a like notice to be affixed and maintained between the hours of ten in the morning and five in the afternoon of two consecutive Sundays on the door of such house or shop, and on the principal door or on one of the doors of the church or chapel of the parish or place in which such house or shop is situate, or, if there be no such church or chapel, on some other public and conspicuous place within such parish or place.

Where application is made to the justices for the grant of a certificate under this Act by way of renewal only, notice in pursuance of this section shall not be requisite.

\* \* \* \* \*

22. This Act shall be in force for two years from the date of the passing thereof, and until the end of the then next session of parliament (*g*). Act to be in force for two years.

\* \* \* \* \*

### 32 & 33 VICT. CHAP. 40.

AN ACT to exempt from rating Sunday and Ragged Schools.  
[26th July, 1869.]

WHEREAS for many years and until lately buildings used as Sunday and ragged schools for gratuitous education enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability:

\* \* \* \* \*

1. From and after the thirtieth day of September one thousand eight hundred and sixty-nine, every authority having power to impose or levy any rate upon the occupier of any building or part of a building used exclusively as a Sunday school or ragged school may exempt such building or part of a building from any rate for any purpose whatever which such authority has power to impose or levy: Provided that nothing in this Act contained shall prejudice or affect the right of exemption from rating of Sunday or infant schools, or for the charitable education of the poor in any churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, by virtue of an Act passed in the third and fourth years of the reign of King William the Fourth, chapter thirty, intituled "An Act to

From 30th Sept. 1869 Sunday and ragged schools may be exempted from rates for relief of poor, &c.

(*f*) See 3 & 4 Vict. c. 61, s. 2; and 24 & 25 Vict. c. 21, s. 3.

(*g*) See 33 & 34 Vict. c. 29, s. 17.

Interpretation  
of terms.

exempt from poor and church rates all churches, chapels, and other places of religious worship" (a).

2. A "Sunday school" shall mean any school used for giving religious education gratuitously to children and young persons on Sunday, and on week days for the holding of classes and meetings in furtherance of the same object, and without pecuniary profit being derived therefrom.

A "ragged school" shall mean any school used for the gratuitous education of children and young persons of the poorest classes, and for the holding of classes and meetings in furtherance of the same object, and without any pecuniary benefit being derived therefrom except to the teacher or teachers employed.

Extent of Act. 3. This Act shall not extend to Ireland.

Short title. 4. This Act may be cited as the "Sunday and Ragged Schools (Exemption from Rating) Act, 1869."

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### 32 & 33 VICT. CHAP. 41.

AN ACT for amending the Law with respect to the rating of Occupiers for short terms, and the making and collecting of the Poor's Rate. [26th July, 1869.]

WHEREAS it is expedient to amend the law relating to the collection of poor rates assessed upon occupiers of hereditaments held for short terms, and to the making and collecting of the poor rate :

\* \* \* \* \*

Occupiers of tenements let for short terms may deduct the poor rate paid by them from their rents.

Amount of rate payable by occupier.

Owners may agree to pay the rate, and be allowed a commission.

1. The occupier of any rateable hereditament let to him for a term not exceeding three months (b) shall be entitled to deduct the amount paid by him in respect of any poor rate assessed upon such hereditament from the rent due or accruing due to the owner (c), and every such payment shall be a valid discharge of the rent to the extent of the rate so paid.

2. No such occupier shall be compelled to pay to the overseers at one time or within four weeks a greater amount of the rate than would be due for one quarter of the year (d).

3. In case the rateable value of any hereditament does not exceed twenty pounds, if the hereditament is situate in the metropolis, or thirteen pounds if situate in any parish wholly or partly within the borough of Liverpool, or ten pounds if situate in any parish wholly or partly within the city of Manchester or the borough of Birmingham, or eight pounds if situate elsewhere, and the owner of such hereditament is willing to enter into an agreement in writing with the over-

(a) See 3 & 4 Will. 4, c. 30, s. 1.

(b) See 13 Vict. c. 21, s. 4.

(c) See sect. 20, *post*.

(d) See sect. 14, *post*.

seers to become liable to them for the poor rates assessed in respect of such hereditament, for any term not being less than one year from the date of such agreement, and to pay the poor rates whether the hereditament is occupied or not, the overseers may, subject nevertheless to the control of the vestry, agree with the owner to receive the rates from him, and to allow to him a commission not exceeding twenty-five per cent. on the amount thereof.

4. The vestry of any parish may from time to time order that the owners of all rateable hereditaments to which section three of this Act extends, situate within such parish, shall be rated to the poor rate in respect of such rateable hereditaments, instead of the occupiers, on all rates made after the date of such order (e); and thereupon and so long as such order shall be in force the following enactments shall have effect:

Vestries may order the owner to be rated instead of the occupier.

1. The overseers shall rate the owners (f) instead of the occupiers, and shall allow to them an abatement or deduction of fifteen per centum from the amount of the rate.
2. If the owner of one or more such rateable hereditaments shall give notice to the overseers in writing that he is willing to be rated for any term not being less than one year in respect of all such rateable hereditaments of which he is the owner, whether the same be occupied or not, the overseers shall rate such owner accordingly, and allow to him a further abatement or deduction not exceeding fifteen per centum from the amount of the rate during the time he is so rated (g).
3. The vestry may by resolution rescind any such order after a day to be fixed by them, such day being not less than six months after the passing of such resolution, but the order shall continue in force with respect to all rates made before the date on which the resolution takes effect:

Provided that this clause shall not be applicable to any rateable hereditament in which a dwelling house shall not be included.

5. When an owner who has become liable to pay the poor rate omits or neglects to pay, before the fifth day of June in any year, any rate or any instalment thereof which has become due previously to the preceding fifth day of January, and has

Owners omitting to pay rates before the fifth

(e) See 59 Geo. 3, c. 12, s. 19; and 30 & 31 Vict. c. 102, s. 7.  
(f) See 32 & 33 Vict. c. 67, s. 70 as to the metropolis.  
(g) See sect. 9, *post*.

#### ORDER OF VESTRY.

Under 13 & 14 Vict. c. 99, a vestry passed a resolution referring to the Act—"It was agreed that the same should be carried out in the said parish;" and this was held to be a valid order: *Bavin v. Hutchinson*, 31 L. J. M. C. 228; 6 L. T. (N. S.) 504. Decision on sect. 4. \_\_\_\_\_

day of June  
to forfeit  
commission.

Repeal of  
13 & 14 Vict.  
c. 99, &c., so  
far as the  
same apply  
to the poor  
rate.

Constructive  
payment of  
the rate.

Where  
owners omit  
to pay rates,  
the occu-  
piers paying  
the same  
may deduct  
the amount  
from the  
rent.

Owners to  
give lists of  
occupiers,  
and liable to  
penalty for  
wilful omis-  
sion.

Notice to  
occupiers of  
rates in  
arrear.

been duly demanded by a demand-note delivered to him or left at his usual or last known place of abode, he shall not be entitled to deduct or receive any commission, abatement, or allowance to which he would, except for such omission or neglect, be entitled under this Act, but shall be liable to pay, and shall pay, such rate or instalment in full (a).

6. The statute thirteenth and fourteenth Victoria, chapter ninety-nine, with respect to the rating of small tenements, and so much of any local statute as relates to the rating of owners instead of occupiers, are hereby repealed, so far as the same apply to any poor rate made after this Act comes into operation (b).

7. Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated instead of the occupier, or has agreed with the occupier or with the overseers to pay such rate, and notwithstanding any allowance or deduction which the overseers are empowered to make from the rate, shall be deemed a payment of the full rate by the occupier for the purpose of any qualification or franchise which as regards rating depends upon the payment of the poor rate (c).

8. Where an owner who has undertaken, whether by agreement with the occupier or with the overseers, to pay the poor rates, or has otherwise become liable to pay the same, omits or neglects to pay any such rate, the occupier may pay the same and deduct the amount from the rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

9. Every owner who agrees (d) with the overseers to pay the poor rate, or who is rated or liable (e) to be rated for any hereditament instead of the occupier, shall deliver to the overseers, from time to time, when required by them, in writing, a list containing the names of the actual occupiers of the hereditaments comprised in such agreement, or for which he is so rated or liable to be rated; and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or misstates therein the name of any occupier, he shall for every such omission or misstatement be liable, on summary conviction, to a penalty not exceeding two pounds.

10. Section twenty-eight of "The Representation of the People Act, 1867," with respect to notice to be given of rates in arrear, shall apply to occupiers of premises capable of conferring the parliamentary franchise, although the owners of such premises have become liable for the rates assessed thereon under the provisions of this Act.

(a) See 30 & 31 Vict. c. 102, s. 28.

(b) See 59 Gco. 3, c. 12, ss. 19-23.

(c) See sect. 19, *post*.

(d) See sect. 3, *ante*.

(e) See sect. 4, *ante*.

11. Where the owner has become liable to the payment of the poor rates, the rates due from him, together with the costs and charges of levying and recovering the same, may be levied on the goods of the owner, and be recovered from him in the same way as poor rates may be recovered from the occupier (*f*). Liability of owner under agreement.

12. Notwithstanding the owner of any such rateable hereditament as aforesaid has become liable for payment of the poor rates assessed thereon, the goods and chattels of the occupier shall be liable to be distrained and sold for payment of such rates as may accrue during his occupation of the premises, at any time whilst such rates remain unpaid by the owner, subject to the following provisions: Recovery of rates unpaid by the owner.

1. That no such distress shall be levied unless the rate has been demanded in writing by the overseers from the occupier, and the occupier has failed to pay the same within fourteen days after the service of such demand:

2. That no greater sum shall be raised by such distress than shall at the time of making the same be actually due from the occupier for rent of the premises on which the distress is made:

3. That any such occupier shall be entitled to deduct the amount of rates for which such distraint is made, and the expense of distraint, from the rent due or accruing due to the owner, and every such payment shall be a valid discharge of the rent to the extent of the rate and expenses paid.

13. Every owner of any hereditament for the rates of which he has become liable shall have the same right of appeal (subject to the same conditions and consequences) against the valuation lists and the poor rates as if he were the occupier thereof (*g*). Owner may appeal against valuation list and rate.

14. The overseers of every parish when they make a poor rate shall set forth in the title of the rate (*h*) the period for which the same is estimated, and if the same is payable by instalments the amount of each instalment and the date at which each instalment is payable; provided that if the necessities of the parish shall require it another rate may be made before such period shall have elapsed. The overseer to state the period for which poor rate is made. Proviso.

15. The overseers who make the poor rate for a period exceeding three months may declare that the same shall be paid Overseers may make

(*f*) See 43 Eliz. c. 2, s. 4; 17 Geo. 2, c. 38, s. 7; 41 Geo. 3, c. 23; 54 Geo. 3, c. 170, s. 12; 7 & 8 Geo. 4, c. 17; 12 Vict. c. 14; and 25 & 26 Vict. c. 82.

(*g*) As to appeals against valuation lists beyond the metropolis, see 25 & 26 Vict. c. 103, ss. 19, 21; and 27 & 28 Vict. c. 39, s. 1. As to appeals against valuation lists in the metropolis, see 32 & 33 Vict. c. 67, ss. 19, 32. As to appeals against poor rates, see 43 Eliz. c. 2, s. 6; 17 Geo. 2, c. 38; 41 Geo. 3, c. 23; 6 & 7 Will. 4, c. 96; 11 & 12 Vict. c. 91, s. 11; 12 & 13 Vict. c. 45; and 31 & 32 Vict. c. 122, s. 29.

(*h*) See 6 & 7 Will. 4, c. 96, Sch., and the poor law board's general order for accounts, Sch. A.

poor rate  
payable by  
instalments.

Provision for  
successive  
occupiers,  
and for occu-  
piers coming  
into unoccu-  
pied here-  
ditaments.

When the  
poor rate  
shall be  
deemed to  
be made.

Evidence of  
making and  
publication  
of rates.

Overseers to  
insert names  
of all occu-  
piers in the  
rate.

Penalty for  
omission.

Saving of  
franchises.

by instalments at such times as they shall specify, and thereupon each instalment only shall be enforceable as and when it falls due, and the payment of any such instalment shall, as respects any qualification or franchise depending upon the payment of the poor rate, be deemed a payment of such rate in respect of the period to which such instalment applies.

16. If the occupier assessed in the rate when made shall cease to occupy before the rate shall have been wholly discharged, or if the hereditament being unoccupied at the time of the making of the rate become occupied during the period for which the rate is made, the overseers shall enter in the rate book the name of the person who succeeds or comes into the occupation, as the case may be, and the date when such occupation commences, so far as the same shall be known to them, and such occupier shall thenceforth be deemed to have been actually rated from the date so entered by the overseer, and shall be liable to pay so much of the rate as shall be proportionate to the time between the commencement of his occupation and the expiration of the period for which the rate was made, in like manner, and with the like remedy of appeal, as if he had been rated when the rate was made; and an outgoing occupier shall remain liable in like manner for so much and no more of the rate as is proportionate to the time of his occupation within the period for which the rate was made (*a*): and the twelfth section of the statute 17 Geo. 2, c. 38, shall be repealed.

17. A poor rate shall be deemed to be made on the day when it is allowed by the justices, and if the justices sever in their allowance then on the day of the last allowance (*b*).

18. The production of the book purporting to contain a poor rate, with the allowance of the rate by the justices, shall, if the rate is made in the form prescribed by law, be *prima facie* evidence of the due making and publication of such rate.

19. The overseers in making out the poor rate shall, in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, enter in the occupiers column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated (*c*) for any qualification or franchise as aforesaid; and if any overseer negligently or wilfully and without reasonable cause omits the name of the occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such overseer shall for every such omission or misstatement be liable on summary conviction to a penalty not exceeding two pounds; provided that any occupier whose name has been omitted shall, notwithstanding such omission and that no claim to be rated

(*a*) See 31 & 32 Vict. c. 122, s. 38.

(*b*) See 43 Eliz. c. 2, s. 1; and 6 & 7 Will. 4, c. 96.

(*c*) See 33 & 34 Vict. c. 75, s. 3.

has been made by him, be entitled to every qualification and franchise depending upon rating, in the same manner as if his name had not been so omitted.

20. The word "overseer" shall include every authority that makes an assessment for the poor rate (*d*); the words "poor rate" shall mean the assessment for the relief of the poor, and for the other purposes chargeable thereon according to law, and in the metropolis shall extend to every rate made by the overseers, and chargeable upon the same property as the poor rate (*e*); the word "owner" shall mean any person receiving or claiming the rent of the hereditament for his own use, or receiving the same for the use of any corporation aggregate, or of any public company, or of any landlord or lessee who shall be a minor, a married woman, or insane, or for the use of any person for whom he is acting as agent (*f*); the word "parish" shall signify every place for which a separate overseer can be appointed (*g*); the word "vestry" shall include not only the vestry of a parish existing under the authority of some general (*h*) or special Act of parliament, or by special custom or otherwise, but also the meeting of the inhabitants of any township, vill, or place having a separate overseer, and for which a separate poor rate is made, held after notice given in like manner as is required by law in regard to the meetings of vestries; and the word "metropolis" shall include only the metropolis as defined by the Metropolis Management Act, 1855 (*i*).

Interpretation of terms.

21. This Act shall not extend to Scotland or to Ireland.

Application of Act.

22. This Act may be cited as "The Poor Rate Assessment and Collection Act, 1869," and shall come into operation on the twenty-ninth of September one thousand eight hundred and sixty-nine: Provided that the vestry of any parish may before that day order that the owners shall be rated instead of the occupiers under this Act, but no such order shall take effect until after the said twenty-ninth day of September one thousand eight hundred and sixty-nine.

Short title.

Commencement of Act.

(*d*) See 4 & 5 Will. 4, c. 76, s. 109.

(*g*) See 29 & 30 Vict. c. 113, s. 18.

(*e*) See 18 & 19 Vict. c. 120, s. 158.

(*h*) See 58 Geo. 3, c. 69; and 1 & 2

(*f*) See 4 & 5 Will. 4, c. 76, s. 109;

Will. 4, c. 60.

and as regards the metropolis, 32 & 33 Vict. c. 67, s. 70.

(*i*) See 18 & 19 Vict. c. 120, Schedules A., B., and C.

#### APPLICATION OF STATUTE.

Sect. 19 applies only to the case where an agreement in writing has been made under sect. 3 of the Act between the overseers and the owner, by which the latter agrees to become liable for the payment of the rates, or to the case where an order of vestry has been made under sect. 4 for the payment of rates by the owner instead of the occupier. *Per* Willes, J.—The Act has no application to the case of a person occupying part of a house as a separate dwelling: *Cross*, app., *Alsop*, resp., 23 L. T. (N. S.) 589.

Decision on sect. 19.

AN ACT to amend the Law relating to the Repayment of Loans  
to Poor Law Unions. [2nd August, 1869.]

WHEREAS it is expedient to amend the law with respect to the repayment of loans to poor law unions.

\* \* \* \* \*

Monies borrowed by guardians to be a charge on common fund.

4. In the following cases; namely,—

(1.) Where any monies borrowed before the passing of this Act and since the twenty-fifth day of March one thousand eight hundred and sixty-two by the guardians of any union, with the consent of the poor law board, are owing by such guardians on the twenty-ninth day of September one thousand eight hundred and sixty-nine ;

(2.) Where any monies are borrowed by the guardians of any union, with the consent of the poor law board, after the passing of this Act (b) ;

Such monies, with the interest thereon, shall, from and after the said twenty-ninth day of September one thousand eight hundred and sixty-nine, be a charge upon and be paid out of the common fund of such union: Provided always, that no monies borrowed before the passing of this Act shall be so charged and paid without the unanimous consent of a meeting of guardians, of which meeting, and of the business to be transacted, at least seven days notice shall be given to each guardian, nor without the consent of the poor law board.

5. Any sum or sums of money borrowed by the guardians of any union or parish after the passing of this Act may, at the option of such guardians, and with the consent of the poor law board, be repaid—

(1.) By thirty equal annual payments of the principal sum borrowed, with the interest on the balance remaining unpaid each year :

(2.) By such equal annual payments as, reckoning principal and interest together, will repay the sum borrowed within thirty years (*c*).

(a) See 4 & 5 Will. 4, c. 76, s. 109. 6 & 7 Will. 4, c. 107, s. 1; 1 & 2

(b) See 4 & 5 Will. 4, c. 76, ss. 24, 25; 30 & 31 Vict. c. 106, s. 14.

(c) See 4 & 5 Will. 4, c. 76, s. 24; 34 Vict. c. 11, s. 1; and 35 Vict. c. 2.

6. Section 7 of the Poor Law Amendment Act, 1851, is repealed in respect of any loan to be effected after this Act comes into operation, and thenceforth every security for money borrowed under the authority of any order of the poor law board may be made according to the following form, or as near thereto as the circumstances of the case will admit :

Repeal of  
14 & 15 Vict.  
c. 105, s. 7,  
and provision  
for future  
securities.

### *Form of Security.*

This deed made the                      day of                      in the year one thousand eight hundred and                      , witnesseth that in consideration of the sum of                      lent to the guardians of the poor of the                      union in the county of                      or to the guardians of the poor of the parish of                      in the county of                      or to the board of management of the                      district (school or asylum) or to the churchwardens and overseers of the poor of the parish of                      or to the overseers of the poor of the township of                      in the county of                      under the provisions of the Act [*here state the Act authorizing the loan*], and in pursuance of and upon the authority of an order of the poor law board, bearing date the                      day of                      by [*here set out the name and description of the public board, commissioners, or company, or the person lending the money*], the receipt of which sum is testified by the memorandum at the foot thereof, signed by our treasurer [*or, in the case of the overseers, by us*], we the said guardians do hereby charge the common fund of the said union or the poor rates of the said parish, or we, the said board of management, do charge the common fund of the district, or the poor rates to be raised in the several unions and parishes combined in the said district, namely [*here set out the names of the unions and parishes combined in the district*], or we the said churchwardens and overseers or overseers do hereby charge the future poor rates of the said parish or township with the repayment of the said sum of                      by [*here insert the number of yearly instalments by which the loan is to be repaid, not exceeding the number limited by the statute or statutes under which it is advanced, but including those to which the time of repayment may have been extended under any statute in that behalf*] instalments on the day in the years following, that is to say, the sum of                      on the                      day of                      in the year one thousand eight hundred and                      the sum of                      on the                      day of                      in the year one thousand eight hundred and                      , together with interest at the rate of                      pounds per centum per annum yearly on the days aforesaid or half-yearly on the                      day of                      and on the                      day of                      in every year upon the principal for the time being unpaid according to the terms of this security or by                      instalments of the sum of                      in respect of the principal and interest of the sum so borrowed to

be paid on the            day of            in every succeeding year during a period not exceeding            years; provided that nothing herein contained shall prevent the said            from receiving the repayment of the whole or part of the aforesaid sum at any time before the day of payment of the last instalment if willing to do so.

In testimony whereof we the guardians aforesaid, *or* we the said board of management, have hereunto affixed our common seal, *or* we the said churchwardens and overseers *or* overseers have hereunto set our hands and seals.

(L.S.)

(L.S.)

(L.S.)

Received this            day of            the above-mentioned sum of            from the said            *A.B.*, treasurer of the union, *or* of the parish of           , *or* of the said district board.

*or C.D. and E.F.,* } Churchwardens, and Overseers of the  
*G.H. and I.K.* } poor of the said parish.

*or G.H. and I.K.*, Overseers of the poor of the said township.

(Seal of the Poor Law Board.)

(L.S.)

Registered by the poor law board this            day of            one thousand eight hundred and

*Note.*—The twenty-second and twenty-third Victoria, chapter forty-nine, section three, enacts that in the case of any debt charged by guardians upon the poor rates made repayable by instalments, each instalment shall be payable within one year next after the day when the same shall fall due, unless the poor law board shall allow an extension of the time for the payment not exceeding six months, and the interest shall be payable within the like times only as the principal.

### 32 & 33 VICT. CHAP. 46.

AN ACT to abolish the distinction as to priority of payment which now exists between the specialty and simple contract debts of deceased persons. [2nd August, 1869.]

WHEREAS it is expedient to abolish the distinction as to priority of payment between specialty and simple contract debts of deceased persons :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

1. In the administration of the estate of every person who shall die on or after the first day of January one thousand

All specialty  
and simple

eight hundred and seventy no debt or liability of such person shall be entitled to any priority or preference by reason merely that the same is secured by or arises under a bond, deed, or other instrument under seal, or is otherwise made or constituted a specialty debt: but all the creditors of such person, as well as simple contract debts of deceased persons to stand in equal degree after 1st Jan. 1870. specialty as simple contract, shall be treated as standing in equal degree, and be paid accordingly out of the assets of such deceased person, whether such assets are legal or equitable, any statute or other law to the contrary notwithstanding: Provided always, that this Act shall not prejudice or affect any lien, charge, or other security which any creditor may hold or be entitled to for the payment of his debt.

2. This Act shall not extend to Scotland (a).

Extent of Act.

### 32 & 33 VICT. CHAP. 47.

AN ACT to provide for the discharge of the duties heretofore performed by High Constables, and for the abolition of such office, with certain exceptions. [2nd August, 1869.]

WHEREAS it is expedient to abolish the office of high constable in England and Wales, except in certain cases, and to make provision for the discharge of the duties heretofore performed by such constables.

\* \* \* \* \*

1. For the purposes of this Act the word "high constable" shall include any constable of any hundred or other like district, and any officer discharging the duties usually performed by high constables by whatever name such officer shall be called; and the word "county" shall include any riding, division, liberty, and place having separate quarter sessions of the peace. Interpretation of terms.

2. It shall be the duty of the justices of the peace for every county in quarter sessions assembled in the month of January next after the passing of this Act to consider and determine whether it is necessary that the office of high constable of each hundred or other like district within their jurisdiction should be continued, and whenever such justices so assembled as aforesaid shall have determined in the case of any such hundred or other like district that it is not necessary that the office of high constable should be continued, they shall send notice of such determination to the person or persons in whom the appointment of such high constable is vested, and on the occurrence thereafter of any vacancy in such office such vacancy shall not be filled up, but this provision shall not apply to the case of any high constable who is by law or custom returning officer at any parliamentary or municipal election, or is charged When vacancies not to be filled up.

with the supervision of the register of electors, or in whom is vested by virtue of his office any real property.

How notices  
are to be sent.

3. It shall be the duty of the clerk to the justices of the peace in each petty sessional division, other than those which are either wholly or partly within the metropolitan police district or the city of London, to send by post to the proper parties in such division all notices of the holding of special or other sessions, of days of appeal, and of any other matter or thing (except such as relate to claims against the hundred or other like district, or to parliamentary or municipal elections, or the registration of electors,) of which notices are now by law or custom served upon or sent to any parochial officer or other person by high constables, and no precept or notice to perform any such duty in any such division shall hereafter be issued to any high constable, after the passing of this Act.

Provisions of  
7 & 8 Vict.  
c. 33 to come  
into general  
operation.

4. All the provisions of the Act passed in the session of parliament holden in the seventh and eighth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for facilitating the collection of county rates and for relieving high constables from attendance at quarter sessions in certain cases and from certain other duties," which under such Act are to come into force upon the occurrence of any vacancy in the office of high constable of any hundred, shall come into force immediately after the passing of this Act in every case as if a vacancy in such office had occurred.

Chief con-  
stable to act  
in case of  
claims against  
hundred.

5. In every action to be brought or summary claim to be preferred against any hundred or other like district, of which there is no high constable, the process for appearance in the action and the notice required in the case of the claim shall be served upon the chief constable or other acting chief officer of police for the time being of the county in which such hundred or district is situate, and all matters which by any Act the high constable of a hundred is authorized or required to do in either of such cases shall be done by the officer so served, who shall have the same powers, rights, and remedies, and be subject to the same liabilities as any high constable would but for the passing of this Act have had and incurred under any Act of parliament, and in case of the termination of his office by death or otherwise his successor shall act in his stead.

\* \* \* \*

Provision in  
case of hun-  
dreds situate  
partly in  
boroughs.

7. When part of any hundred or other like district is within the limits of any borough or place having separate police jurisdiction, such hundred or district shall, for the purposes of this Act, be deemed to be in the county in which the other part of such hundred or district is situate.

Short title.

8. This Act may be cited as the High Constables Act, 1869.

## 32 &amp; 33 VICT. CHAP. 49.

AN ACT to enable Local Authorities to collect Fines and Fees  
by means of Stamps. [2nd August, 1869.]

WHEREAS it is expedient to authorize the collection of certain  
fees and fines hereafter mentioned by means of stamps :

\* \* \* \* \*

4. Whenever all the clerks of special and petty sessions and all the clerks of the justices of the peace within the jurisdiction of any local authority are paid in the whole or partly by salaries, by virtue of any order made under the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, it shall be lawful for any such local authority, if they think fit, notice having been given at a previous meeting of the local authority of such purpose, to order that, from and after a day to be named in such order, all or any of the fees, fines, and penalties, payable to the treasurer of the county, parts, liberty, division, or borough respectively within the jurisdiction of such local authority, or to any person on account of such treasurer, shall be received by such treasurer or such person as aforesaid by means of stamps denoting the sums payable, and not in money, and to cause such dies to be made as may be required for the purpose of carrying into effect this Act; subject nevertheless to such rules as may from time to time be made and published by such local authority, with the approval of one of Her Majesty's principal secretaries of state, and with the assent, so far as relates to the pattern, colour, and form of stamps and dies, and the making and impressing of the same, of the commissioners of inland revenue; and it shall be lawful for any such local authority from time to time, with the like notice, to revoke, vary, or renew any such order, the like approval and assent being first obtained for any such variation or renewal (a).

Power to  
collect fees  
and penalties  
by stamps.

5. Any document to or on which a stamp or stamps ought to be affixed or impressed under this Act, or under any rule for the time being in force under this Act within the jurisdiction of any local authority, shall not be of any validity unless the proper stamp or stamps has or have been affixed or impressed, or unless a certificate has been signed thereon by a justice of the peace acting in the matter to the effect that he has excused or postponed the affixing or impressment of the proper stamp or stamps, in which case the document shall be of the same validity as if the proper stamp or stamps had been duly affixed or impressed: Provided that if any such document is, through mistake or inadvertence, received, lodged, recorded, or used

Unstamped  
document not  
to be valid.

(a) See 5 & 6 Vict. c. 109, s. 17; and 11 & 12 Vict. c. 43, s. 30.

without being properly stamped, it shall be competent for the court or judge before whom the cause or proceeding depends to which such document relates to order that the same be stamped as in such order may be directed; and on every such document being stamped accordingly, the same, and every proceeding relative thereto, shall be as valid as if such document had been properly stamped in the first instance.

\* \* \* \*

### 32 & 33 VICT. CHAP. 55.

AN ACT to shorten the Term of Residence required as a Qualification for the Municipal Franchise, and to make provision for other purposes. [2nd August, 1869.]

WHEREAS it is expedient to shorten the term of occupation and residence required as a qualification for the municipal franchise, and to make provision for other purposes :

\* \* \* \*

Sect. 9 of  
5 & 6 Will. 4,  
c. 76, repealed.

One year's  
occupation to  
entitle persons  
to municipal  
franchise.

1. The ninth section of the Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, shall be repealed, and instead thereof be it enacted, that every person of full age who on the last day of July in any year shall have occupied any house, warehouse, counting-house, shop, or other building within any borough during the whole of the preceding twelve calendar months, and also during the time of such occupation shall have resided within the said borough, or within seven miles of the said borough, shall, if duly enrolled in that year according to the provisions contained in the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough : Provided that no such person shall be so enrolled in any year unless he shall have been rated in respect of such premises so occupied by him within the borough to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and unless he shall have paid on or before the twentieth day of July in such year all such rates, including therein all borough rates, if any, directed to be paid under the provisions of the said Acts, as shall have become payable by him in respect of the said premises up to the preceding fifth day of January : Provided also, that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or in different parishes : Provided also, that no person being an alien shall be so enrolled

in any year, and that no person shall be so enrolled in any year who, within twelve calendar months next before the said last day of July, shall have received parochial relief or other alms: Provided also, that the respective distances mentioned in this Act shall be measured in the manner directed by section seventy-six of the Act of the session of the sixth and seventh years of Queen Victoria, chapter eighteen.

6 & 7 Vict.  
c. 18.

3. Any such occupier as aforesaid, who shall be rated in respect of premises as in this Act mentioned, shall be entitled to be elected a councillor or an alderman of any borough, if resident within fifteen miles of said borough, although by reason of his residence beyond seven miles of the borough he is not entitled to be on the burgess roll of such borough, provided that he is otherwise qualified to be on the burgess roll, and to be elected a councillor or an alderman for such borough, and the following enactments shall take effect with respect to such occupiers:

Councillor or  
alderman may  
reside within  
fifteen miles  
of borough.

1. The overseers shall make out and publish a separate list containing the name of every such occupier at the same time and in the same manner as the burgess list (a), and all the provisions of the said Act of the fifth and sixth William the Fourth, chapter seventy-six, and the Acts amending the same with respect to objections and claims shall, as nearly as circumstances admit, apply to such separate list.

2. The separate list so made out shall be revised in the like manner as the burgess list, and when so revised shall be delivered to the town clerk and copied as a separate list at the end of the burgess roll.

4. When any borough, consisting of less than four wards, shall at any time hereafter be divided into a greater number of wards, the qualification for an alderman or councillor of such borough shall not be increased or altered in consequence of such division, but shall continue the same as if such borough consisted of less than four wards.

Qualification  
for aldermen  
and council-  
lors.

9. In this Act and the said recited Act of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, wherever words occur which import the masculine gender the same shall be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, auditors, and assessors (a).

Words im-  
porting the  
masculine  
gender to  
include  
females.

10. This Act shall be construed as one with the said Act of the session of the fifth and sixth years of King William the Fourth, chapter seventy-six, and the Acts amending the same, except so far as the same are altered or repealed by this Act, and the words used in this Act shall have the same meaning as in the said Acts.

Act to be con-  
strued with  
5 & 6 Will. 4,  
c. 76, &c.

11. This Act shall not apply to Scotland or Ireland.

Extent of Act.

(a) See 5 & 6 Will. 4, c. 76, s. 15.

(b) Ib. s. 142.

## 32 &amp; 33 VICT. CHAP. 62.

AN ACT for the Abolition of Imprisonment for Debt, for the Punishment of Fraudulent Debtors, and for other purposes.  
[9th August, 1869.]

\* \* \* \* \*

## Part 1.

## PART 1.

*Abolition of Imprisonment for Debt.*

Abolition of imprisonment for debt, with exceptions.

4. With the exceptions hereinafter mentioned, no person shall, after the commencement of this Act, be arrested or imprisoned for making default in payment of a sum of money.

There shall be excepted from the operation of the above enactment:

1. Default in payment of a penalty, or sum in the nature of a penalty other than a penalty in respect of any contract.

2. Default in payment of any sum recoverable summarily before a justice or justices of the peace.

\* \* \* \* \*

Provided, first, that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than one year; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any court for payment of money except as regards the arrest and imprisonment of the person making default in paying such money.

\* \* \* \* \*

## 32 &amp; 33 VICT. CHAP. 63.

AN ACT to amend the Metropolitan Poor Act, 1867.  
[9th August, 1869.]

30 & 31 Vict. c. 6. WHEREAS it is expedient that sundry amendments should be made in The Metropolitan Poor Act, 1867: \* \* \*

## PROTECTION FROM ARREST.

*Decision on 32 & 33 Vict. c. 62, sect. 4, sub-sect. 2.*

Costs which have been awarded by quarter sessions against one of the parties to an appeal, and which by 12 & 13 Vict. c. 45, s. 5, and 11 & 12 Vict. c. 43, s. 27, may be enforced before a justice by warrant of distress, and in default of distress imprisonment, are within the exception in 32 & 33 Vict. c. 62, s. 4, subs. 2, and the defaulter is therefore not protected from imprisonment: *Reg. v. Pratt*, L. R. 5 Q. B. 176.

1. The poor law board, as and when they shall see fit, may dissolve any asylum (a) or school district (b) contained wholly or partly in the metropolis, and upon such dissolution shall adjust the rights and liabilities of parishes and unions comprised therein respectively, and provide for the compensation of the officers and other persons employed therein, in like manner as when a union is dissolved under the authority of the thirty-second section of the Poor Law Amendment Act, 1834; and so much of that section as requires the concurrence of two-thirds of the guardians in the dissolution of any union is hereby repealed; and prior to issuing any order dissolving such district, the said board may by their order empower the managers of such district to sell and dispose of any land, buildings, or other property belonging to them, and to apply the produce thereof in discharge of the debts and liabilities then outstanding against such managers, and to distribute any surplus which may remain among the parishes or unions comprised therein according to their original proportions, and if the said district shall be dissolved before the same shall be sold, the said board may by their order empower the persons who were the managers of the district at the time of its dissolution, or the major part of them, to make such sale, and to convey the land to the purchaser thereof, and to apply and distribute the produce accordingly (c).

Poor law board empowered to dissolve asylum and school districts and unions.

2. Where the union or unions and parish or parishes, or unions or parishes, constituting any district formed under The Poor Law Amendment Act, 1844, or under The Metropolitan Poor Act, 1867, shall have been or shall be formed into one union for the relief of the poor, all the property, real and personal, of the board of managers shall be transferred to, and shall vest in, the guardians of the said union, and the liabilities, obligations, and debts of the said board of managers shall be, in like manner, transferred to and discharged by the said guardians (d).

Provision for the amalgamation of the several parts of a district into one union.

3. Where the guardians of any union shall at any time under the orders of the poor law commissioners or the poor law board, have borrowed money and expended it upon the improvement or enlargement of the workhouse or other property belonging to any parish comprised within the union, and such workhouse or property shall afterwards be sold or let, the guardians shall be entitled to receive out of the purchase money or rents such an amount as in the judgment of the poor law board shall appear reasonable, and the same shall be appropriated for the benefit of the said union in such manner as the said board shall by their order direct (e).

Provision for parish workhouse in unions upon which union money has been expended.

4. Where several parts of any parish are separated from one another, and it shall appear to the poor law board that the

Poor law board empowered to

(a) See 30 Vict. c. 6, s. 6; and 33 Vict. c. 2, s. 1.

(c) See 33 Vict. c. 2, s. 4.

(b) See 7 & 8 Vict. c. 101, s. 40; and 33 Vict. c. 2, s. 3.

(d) See 7 & 8 Vict. c. 101, s. 46;

(e) See sect. 22, *post*.

adjust parts  
of divided  
parishes.

relief to the poor in such parish can be better administered by means of a readjustment of those parts, the said board may, by an order under seal, make a readjustment of such parts, by incorporation with an adjoining parish or otherwise, in such manner as shall seem to them to be most expedient; and they shall, after the issuing of such order, make all such regulations for the adjustment of the rights and liabilities of the parts of the parishes respectively affected by the said order as the nature of the case shall in their judgment require (a).

Provision for  
the dealing  
with the prop-  
erty vested  
in a board of  
guardians of a  
parish on the  
dissolution of  
the board.

5. Where upon the constitution of a board of guardians for any parish under the order of the poor law commissioners or the poor law board any workhouse, land, goods, effects, or other real or personal estate then vested in or belonging to any body or persons in trust for the parish, became vested in or transferred to such guardians, and the board so constituted has been or shall be dissolved or has otherwise ceased or shall cease to exist, such workhouse, land, goods, effects, or other real or personal estate shall, upon such dissolution or cessation, be by virtue of this Act revested in and transferred to the body or persons if still subsisting in whom the same were vested, or to whom the same belonged when any such board was constituted, to be held upon the same trusts and with the same rights and obligations as existed when the property was previously held by such body or persons, and subject to all obligations lawfully created by the said board while the same was vested in them; and if there should be no such body or persons subsisting in whom the same can be so vested, and as regards all property acquired by the said board otherwise than as aforesaid, the same shall in like manner, upon such dissolution or cessation, vest in and be transferred to the churchwardens and overseers of the poor, or the overseers of the poor only, as the case may be, of the said parish, upon such trusts, with the same rights and subject to the same obligations as aforesaid; and the seventeenth section of "The Poor Law Amendment Act, 1867," is hereby repealed (b):

Qualification  
of managers  
of asylum  
districts.

6. The qualification of managers referred to in section 10 of The Metropolitan Poor Act, 1867, shall be deemed to have been and to be that which the poor law board are empowered to prescribe by the twelfth section of the said Act.

Provision for  
the acting  
managers of  
a parish in  
a district  
where such  
parish is  
added to a  
union.

7. When any parish or union comprised in a district formed as aforesaid shall have been, or shall be added to a union or shall be formed into a union with some other parish, without being separated from the district, every manager elected or nominated for such parish or union shall continue to act as a member of the board of managers for such district until the term for which he was elected or nominated shall have expired, and the board of management shall continue to be legally constituted, notwithstanding any such change in the separate parishes or unions combined therein; and where the poor law board shall have

(a) See 30 & 31 Vict. c. 106, s. 3.

(b) See 33 Vict. c. 2, s. 12.

nominated guardians in any union or parish, the board of guardians shall continue to be legally constituted, and such nominated guardians to be qualified to act until the expiration of the term for which they were nominated, notwithstanding any increase in the number of *ex-officio* guardians in the meantime.

8. Every registrar of births and deaths or marriages acting for any district in a union or parish, on or after the twenty-fourth day of June one thousand eight hundred and sixty-nine, shall be entitled to continue in office notwithstanding the dissolution of the union, or the addition or separation from a union of the parish or parishes comprising the district for which he acts, to the same extent as if such dissolution, addition, or separation had not taken place; but this section shall not apply to any such registrar whose office has been determined prior to the passing of this Act.

9. The paragraph numbered 2 in the seventeenth section of The Metropolitan Poor Act, 1867, is hereby repealed, and the sums of money now borrowed or hereafter to be borrowed by the managers of any district under the authority of that or any subsequent Act shall, with interest thereon, be charged upon and paid off out of the common fund of the district.

10. The twenty-fourth section of "The Poor Law Amendment Act, 1868," shall apply to the auditors appointed under the authority of "The Metropolitan Poor Act, 1867 (c)."

11. The guardians of any union or parish and the managers of any school or asylum district may, with the consent of the poor law board, purchase, hire, or otherwise acquire and fit up and furnish one or more ships to be used for the training of boys for the sea service, and every such ship shall be deemed to be a school or asylum, as the case may be, within the meaning of "The Metropolitan Poor Act, 1867," and the several Acts therein referred to as "the Poor Law Acts" respectively (d).

12. Where the guardians of any union or parish provide a dispensary for their union or parish, it shall not be necessary that a dispensary committee shall be appointed for such dispensary unless the guardians apply to the poor law board to issue an order for that purpose and the poor law board issue such order accordingly (e).

13. If the guardians provide a place for the dispensing of medicines for the relief of the sick poor of the union or parish, or of a district therein, under the authority of any other Act than The Metropolitan Poor Act, 1867, they shall, if required by the poor law board to do so, provide a proper room at such place where the medical officer of such union or parish, or of the district comprising such place, may see such of the sick poor as attend there for advice, and every medical officer of

Registrars of births and deaths to continue in office notwithstanding dissolution of union.

How loans in districts to be charged.

Sect. 24 of 31 & 32 Vict. c. 122,

extended to auditors under 30 & 31 Vict. c. 6.

Guardians and managers may provide ships for the training of boys for the sea service.

Where dispensary provided the establishment of a dispensary committee

not to be peremptory.

Where a dispensary is provided, guardians shall provide a place for the attend-

(c) See 10 & 11 Vict. c. 109, s. 8; and 30 Vict. c. 6, s. 33.

(d) See 30 Vict. c. 6, ss. 15, 47, 48; and 34 Vict. c. 15.

(e) See 30 Vict. c. 6, s. 38, *et seq.*

ance of sick poor and medical officer.

If guardians refuse or neglect to provide a dispensary, no allowance to be made out of metropolitan common fund for medicines and medical officers salaries.

Vaccination expenses.

Arrangements with public general hospitals.

Guardians may provide in their workhouses for the maintenance of particular classes of poor, and receive therein poor of the same class from other unions and parishes.

the union, parish, or district, as the case may be, shall, personally or by his authorized substitute, attend at that place during the times to be fixed for this purpose by the said guardians with the approval of the poor law board.

14. If the guardians of any union or parish, after being required by the said board to provide a dispensary under The Metropolitan Poor Act, 1867, or under the authority of any other Act, neglect or refuse to comply with such requisition, no repayment shall be made from the metropolitan common poor fund to the guardians of such union or parish in respect of any medicine or medical or surgical appliances supplied by them to the poor of the union or parish, or in respect of the salaries of the medical officers of such union or parish, until the guardians provide a dispensary in conformity with the requisition of the poor law board, from which time the right to such repayment shall again accrue (a).

15. No expenses of vaccination shall be repaid out of the said fund which shall have been incurred without the authority or without the approval of the poor law board (b).

16. It shall be lawful for any board of guardians, with the consent of the poor law board, to enter into arrangements with any public general hospital or dispensary situate within the limits of the parish or union for which the said board act, to receive and treat pauper patients on terms to be arranged between the board of guardians, with the sanction of the poor law board, and the authorities of the hospital or dispensary, as the case may be (c).

17. The guardians of any union or parish may, with the approval of the poor law board, set apart any ward or portion of their workhouse for the reception of particular classes or descriptions of poor persons, and provide separate maintenance and treatment for them therein, subject to such regulations as the said board may at any time order or approve of, and may, with their consent, receive and maintain therein any poor person of the same class or description chargeable to any other union or parish upon such terms as shall be mutually agreed upon by the respective boards of guardians; and every such poor person so received into such workhouse shall, while therein, be treated in all respects in like manner, and be subject to the same regulations and liabilities as the other poor persons of the same class or condition, and shall be deemed to be chargeable in the first instance to the common fund of the union or to the parish in whose workhouse such poor person shall be received; provided that the abiding of such poor person in such workhouse shall in all other respects be attended with the same legal consequences as if such workhouse had been situated within

(a) See 30 Vict. c. 6, s. 62 (2) and and s. 70.

(b) See 30 Vict. c. 6, s. 69 (7), and 30 & 31 Vict. c. 84.

(c) See 14 & 15 Vict. c. 105, s. 4.

the union or parish from which such poor person shall have been sent (*d*).

18. The compensation payable to any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, and any compensation awarded by the poor law board under section one of this Act, shall be paid by the guardians of such one of the parishes or unions affected by the addition, alteration, or dissolution, as the poor law board may by order direct, and shall be repaid to such guardians out of the metropolitan common poor fund. Compensations to be charged on the metropolitan common poor fund.

19. In computing the time of the services of any officer of a union or parish who shall be deprived of his office by reason of the parish being added to or taken from a union, or the union being dissolved or altered, any period during which such officer shall have been in the service of a vestry, district board, or other parochial board of the same parish shall, with the consent of such vestry, district board, or other parochial board be included (*e*). Provision as to computing time of service of officers deprived of office under this Act.

20. So much of the twenty-ninth section of "The Metropolitan Poor Act, 1867," as authorizes the use of any asylum for the sick or insane for the purposes of a medical school, is hereby repealed. Repeal of 29th section of "The Metropolitan Poor Act, 1867."

21. The cost of the maintenance and instruction of orphan or deserted children placed out by the guardians of any parish or union, with the consent of the poor law board, shall be repaid to the guardians from the metropolitan common poor fund. Maintenance of orphans charged to common fund.

22. When the boundaries between any two parishes are irregular or inconvenient, it shall be lawful for the vestries of such parishes to enter into an agreement to readjust such boundaries, and such agreement shall be submitted to the poor law board for their approval, and such board shall, if they think fit, by an order under seal, confirm such agreement, and shall make such regulations for the adjustment of the rights and liabilities of the parishes affected by the said order as the nature of the case shall in their judgment require (*f*). Readjustment of boundaries between two parishes by agreement of vestries.

23. The term "common fund of the district" shall mean the fund raised by contributions from the unions and parishes forming the district assessed on and contributed by them in conformity with the provisions of The Metropolitan Poor Act, 1867, and words in this Act shall be construed in like manner as in The Metropolitan Poor Act, 1867 (*g*), and the Poor Law Amendment Act, 1834 (*h*), and subsequent Acts amending and extending the same, and the provisions contained in the said Interpretation clause.

(*d*) See 30 Vict. c. 6, s. 50.

(*e*) See *ib.* s. 76.

(*f*) See sect. 4, *ante*; and 30 & 31 Vict. c. 106, s. 3.

(*g*) 30 Vict. c. 6, s. 2.

(*h*) 4 & 5 Will. 4, c. 76, s. 109.

several Acts and not repealed shall, so far as they shall be consistent herewith, be extended to this Act.

Act only to  
apply to the  
metropolis.

24. This Act shall, except where otherwise provided (a), apply to the metropolis only.

Short title.

25. This Act may be cited and described for all purposes as The Metropolitan Poor Amendment Act, 1869.

### 32 & 33 VICT. CHAP. 67.

AN ACT to provide for Uniformity in the Assessment of Rateable property in the Metropolis. [9th August, 1869.]

WHEREAS it is expedient to provide for a common basis of value for the purposes of government and local taxation, and to promote uniformity in the assessment of rateable property in the metropolis :

\* \* \* \* \*

#### *Preliminary.*

Act to be  
construed as \*  
one with  
25 & 26 Vict.  
c. 103, and  
27 & 28 Vict.  
c. 39.

1. The Union Assessment Committee Act, 1862, is in this Act referred to as "the principal Act;" and the principal Act, and the Union Assessment Committee Act, 1864, (amending the same,) shall for the purposes of this Act, and so far as is consistent with the tenor thereof, be incorporated with this Act; and the expression "this Act" in the principal Act, and any expression referring to the principal Act which occurs in the said Act amending the same, or in any other Act or document, shall, as regards places to which this Act extends, be construed to mean the principal Act as incorporated with this Act.

Short title.

2. This Act (including the Acts incorporated herewith) may be cited as The Valuation (Metropolis) Act, 1869.

Extent of Act.

2. This Act shall extend only to unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under The Metropolitan Management Act, 1855 (b).

18 & 19 Vict.  
c. 120.

Definitions.

"Metropolis:"

4. In this Act, unless the context otherwise requires,—

The term "metropolis" means the unions and parishes to which this Act extends (b) :

"Parish:"

The term "parish" means any place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed (c) :

(a) See sect. 1, *ante*.

(b) See 18 & 19 Vict. c. 120, Schedules A., B., and C.

(c) See 29 & 30 Vict. c. 113, s. 18.

The term "union" means any union of parishes, and any "Union:" parish for which there is a separate assessment committee under this Act and the Acts incorporated herewith:

The term "ratepayer" means every person who is liable to "Ratepayer:" any rate or tax in respect of property entered in any valuation list (d):

The term "year" means the twelve months (e) commencing "Year:" with the sixth of April and ending with the succeeding fifth of April; and words referring to a year refer to the same period:

The term "surveyor of taxes" means any surveyor of taxes, "Surveyor of taxes:" inspector of taxes, or other officer appointed or to be appointed by the commissioners either of inland revenue or of Her Majesty's treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive:

The term "overseers" includes any person or body of per- "Overseers:" sons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor:

The term "vestry clerk" means the vestry clerk, if any, "Vestry clerk:" elected under the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter fifty-seven, or under a local Act, or, if there is no such clerk, the vestry clerk appointed under "The Metropolis Management Act, 1855."

The term "hereditament" means any lands, tenements, here- "Heredita- ditaments, and property which are liable to any rate or ment:" tax in respect of which the valuation list is by this Act made conclusive (f):

The term "gross value" means the annual rent which a "Gross value:" tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rentcharge, if any, and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses, if any, necessary to maintain the hereditament in a state to command that rent (g).

The term "rateable value" means the gross value after "Rateable deducting therefrom the probable annual average cost of value:" the repairs, insurance, and other expenses as aforesaid (h).

The Acts specified in the first schedule to this Act are in this Act referred to by the short title placed opposite to them in that schedule.

(d) See 32 & 33 Vict. c. 41, s. 4.

(e) See 13 & 14 Vict. c. 21, s. 4.

(f) See sect. 45, *post*.

(g) See 25 & 26 Vict. c. 103, s. 15.

(h) See 6 & 7 Will. 4, c. 96, s. 1.

*Assessment Committee.*

Election of assessment committee in single parish where there is a vestry.

5. Where, in any parish which is not included in any union formed under the Poor Law Amendment Act, 1834, and the Acts amending the same, there is for the time being a vestry elected according to the provisions of the Metropolis Management Act, 1855, but no assessment committee under the principal Act, the following provisions shall have effect:

- (1.) Where in any such parish there is a board of guardians having power under any local Act to assess or make the rates for the relief of the poor, that board of guardians shall appoint an assessment committee:
- (2.) Where any two of such parishes are united under a local Act for the purpose of assessing or making the rates for the relief of the poor, the guardians for such united parishes elected in pursuance of the Poor Law Amendment Act, 1834, and the Acts amending the same, shall appoint an assessment committee:
- (3.) In cases other than those before mentioned the vestry of such parish shall appoint an assessment committee.
- (4.) In the first year after the passing of this Act and every subsequent year, the body who appoint an assessment committee under this section shall on a day fixed by such body between the fifteenth and twenty-ninth of April in that year, or some other day fixed by the Poor Law Board, hold a meeting, and appoint from among themselves an assessment committee (consisting of not less than six nor more than twelve in number) in the same manner, as near as may be (*a*) as if the parish or united parishes were an union and the appointing body a board of guardians within the meaning of the principal Act.

All the provisions of this Act and the Acts incorporated herewith shall—

- (*a*) in cases where the assessment committee is appointed by guardians under this section be construed as if such guardians, and the monies applicable by such guardians for the relief of the poor were the guardians mentioned in the principal Act and the common fund; and—
- (*b*.) in cases where the assessment committee is appointed by the vestry be construed, so far as is consistent with the tenor thereof, as if the terms vestry, members of the vestry, vestry clerk, assistant vestry clerk, and monies applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855,

(*a*) See 25 & 26 Vict. c. 103, ss. 2, 4, 5, 6.

were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund, but nothing in such Acts relating to *ex officio* guardians shall have any application in the case of a vestry.

*Making of Valuation Lists.*

6. The overseers of every parish to which this Act extends, Making of valuation list. within the time in this Act mentioned (b), shall make and sign a valuation list of their parish in duplicate, in accordance with this Act.

7. After the valuation list is signed by the overseers the same Valuation lists to be dealt with under 25 & 26 Vict. c. 103, ss. 17 to 21. proceedings shall be had as are directed by the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of the principal Act, subject to the alterations made by this Act.

8. The overseers shall send one duplicate of the valuation c. 103, ss. 17 to 21. list to the surveyor of taxes of the district at the same time Duplicate sent to surveyor of taxes. that the other duplicate is deposited by them (c). The surveyor of taxes shall insert in the duplicate so sent to him the amount in his opinion of the gross value of the hereditaments comprised in such list where such amount differs from the amount inserted by the overseers, and shall transmit the duplicate to the assessment committee within twenty-eight days after he has received the same.

9. In each of the following cases ; namely,

- (1.) Where the overseers of the parish insert in the valuation list some hereditament not previously assessed, or raise the gross or rateable value of some hereditament above the value stated in the valuation list for the time being in force or (where there is no valuation list) in the then last assessment to the poor rate, or
- (2.) Where the assessment committee (otherwise than in determining an objection) alter a valuation list by inserting therein some hereditament, or by raising the gross or rateable value of some hereditament comprised therein,

Notice to occupier of alteration of value, &c.

the overseers shall immediately after the deposit or re-deposit of the list (as the case may be) serve on the occupier of such hereditament, a notice of the gross and rateable value thereof inserted in the valuation list.

10. The notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made (d). Notice to state time and mode of objection.

11. Objections may be made before the assessment committee by any person authorized by this Act and the Acts Grounds on which per-

(b) See sect. 42 (1), *post*.

(c) See 25 & Vict. c. 103, s. 17.

(d) See sect. 42 (3), *post*.

sons may object before assessment committee.

Surveyor of taxes, &c. may inspect, copy, and object to valuation list.

If overseers do not transmit list, committee to appoint a person to do so.

Valuation list to be revised, certified and sent to overseers, &c.

Deposit of duplicate of list in each parish.

Deposit of list at office of the

incorporated herewith to object who feels himself aggrieved by reason of the unfairness or incorrectness of the valuation of any hereditament, or by reason of the insertion or incorrectness of any matter in the valuation list, or by reason of the omission of any matter therefrom, or by reason of such a valuation list as is required by this Act not having been transmitted by the overseers to the assessment committee. The notice of objection shall specify the correction which the objector desires to be made (a).

12. A surveyor of taxes, and any ratepayer in the parish, shall have the same right of inspecting, copying, taking extracts from, and objecting to any valuation list which relates to his district or parish as is given to any person by this Act and the Acts incorporated herewith.

13. If the overseers of any parish fail to transmit such a valuation list as is required by this Act, the assessment committee shall appoint some person to make a valuation list, and may allow such person such remuneration in addition to his expenses as they think fit; and all expenses incurred by the assessment committee in pursuance of this section shall be paid by the guardians, and charged by them to such parish.

The person so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in the like manner as if it had been duly made and transmitted by the overseers (b).

14. The assessment committee, within the time in this Act mentioned, shall revise the valuation list in accordance with this Act and the Acts incorporated herewith. When they have finally approved such valuation list, they shall cause the totals of the gross and rateable value in such list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot thereof such declaration of approval and certificate of compliance with this Act as is contained in Part One of the second schedule to this Act. One duplicate, so certified, shall be sent to the clerk of the managers of the metropolitan asylum district, and the other duplicate to the overseers of the parish to which it relates (c).

15. The overseers of the parish, on receiving the duplicate of the valuation list so sent to them by the assessment committee, shall immediately deposit it in the place in which the rate books of the parish are kept, and shall publish notice of such deposit, and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made (d).

16. The certified valuation list so sent to the clerk of the managers of the metropolitan asylum district by the assessment

(a) See 25 & 26 Vict. c. 103, s. 21; and ss. 42 (4) and (8) and s. 18.

(b) See sects. 6 and 7, *ante*.

(d) See sects. 22, 42 (9) (10) (12)

(c) See 25 & 26 Vict. c. 103, (13) and (14), and 30, *post*.

committee shall be deposited at the office of such managers, and within the time in this Act mentioned shall be returned by such clerk to the same assessment committee (e).

managers of metropolitan asylum district.

17. The clerk of the managers of the metropolitan asylum district shall, within the time in this Act mentioned (e), cause the totals of the gross and rateable values of all the valuation lists to be printed, and a printed copy of all such totals to be sent to every assessment committee, and the overseers of every parish in the metropolis and in every county in which any parish to which any of such totals relate is situate, to the clerks of the peace for every such county, to the commissioner of the metropolitan police, the corporation of the city of London, the metropolitan board of works, every district board in the metropolis, and the poor law board. Every assessment committee, overseer, and ratepayer within the metropolis, and every such county shall respectively be entitled to have printed copies of such totals on payment of one penny for each copy of all the said totals.

Printing and distribution of totals of gross and rateable value in valuation list.

#### *Appeals.—Special Sessions.*

18. In every petty sessional division in the metropolis the justices of the peace acting in and for such division shall, in every year at the time mentioned in this Act (b), hold a special sessions for hearing appeals under this Act against the valuation lists of the several parishes within such division.

Holding of special sessions to hear appeals.

19. Any ratepayer (g), and any overseers of a parish, so far as respects the valuation list of such parish, and any surveyor of taxes so far as respects the valuation list of any parish in the petty sessional division, may, if he or they feel aggrieved by any decision of the assessment committee on an objection made with respect to the unfairness or incorrectness of the valuation of any hereditament included in such list, but not otherwise, appeal against such decision to the special sessions. The right to appeal to special sessions shall not deprive a person of any other right of appeal conferred on him by this Act (h).

Persons entitled to appeal to special sessions.

20. The justices in special sessions under this Act shall not hear any appeal touching any matter with respect to which notice of appeal to the general assessment sessions has been served in manner prescribed by this Act (i), and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such justices, and an alteration by them of the value of an hereditament in the valuation list of any parish shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals

Extent of jurisdiction of special sessions.

(e) See sect. 42 (11), *post*.

(f) See sect. 42 (10), *post*.

(g) See 32 & 33 Vict. c. 41, s. 13.

(h) See sects. 32, 40 and 42 (9),

*post*, and also 32 & 33 Vict. c. 41, s. 13.

(i) See sects. 33 and 42 (12), *post*.

of the gross or rateable value of such list as settled by the assessment committee, but may form a reason for an appeal against such totals to the assessment sessions and superior court as hereinafter mentioned.

Powers of  
special ses-  
sions.

21. The justices in special sessions under this Act may adjourn their court from time to time, as may be necessary for the performance of their duties under this Act. They shall have with respect to the attendance and examination of witnesses, the taking of evidence, the keeping order in court, the enforcing their orders, and all matters necessary for the execution of their duties under this Act, the same powers and jurisdiction as if they were assembled in petty sessions (*a*).

Notice by  
special  
sessions of  
time of  
sitting.

22. The justices in special sessions shall send a written notice of the time and place at which they will hold a special sessions for the purpose of hearing appeals with respect to any parish to the overseers of such parish, who shall publish it as soon as it is received by them (*b*).

#### *Appeals.—Assessment Sessions.*

Court of  
general  
assessment  
sessions.

23. For the purpose of hearing appeals under this Act against any valuation list in the metropolis, the justices of the peace appointed as hereinafter mentioned shall at the time mentioned in this Act assemble and hold a court of general assessment sessions (in this Act referred to as the assessment sessions) (*c*).

Appointment  
of members of  
general  
assessment  
sessions.

24. The justices who are to form the court of general assessment sessions shall be appointed annually as follows :

1. Three justices of the peace of the county of Middlesex (of whom the assistant judge of the court of the sessions of the peace of the said county shall be one) shall be appointed by the court of general quarter sessions or general sessions of the peace for the county of Middlesex :
2. Two justices of the peace of the county of Surrey shall be appointed by the court of general or quarter sessions of the peace for the county of Surrey :
3. Two justices of the peace of the county of Kent shall be appointed by the court of general sessions for the county of Kent.
4. Two justices of the peace of the city of London shall be appointed by the court of the mayor and aldermen of the city of London in the inner chamber.

The said justices shall be appointed in the month of October in every year, or at such other time as may be from time to time fixed by the appointing body. They shall hold office for twelve months beginning on the first of November, and any casual vacancy may be filled up by the appointing body.

(*a*) See 9 Geo. 4, c. 43 ; and sects. 27 and 28, *post*.

(*b*) See sects. 65 and 66, *post*.

(*c*) See sect. 32 (1) (2) and (3), *post*.

25. The justices in assessment sessions may from time to time appoint, with the consent of the poor law board, a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him or them such remuneration and such duties as the poor law board may approve (d).

Officers of  
general  
assessment  
sessions.

26. The justices in assessment sessions may from time to time appoint one of their own number to act as their chairman, who shall have a second or casting vote, and they may from time to time determine on their quorum so that it be not less than three.

Chairman,  
quorum and  
powers of  
general  
assessment  
sessions.

The court of general assessment sessions may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and (for the purpose of giving judgment only) from place to place in the metropolis. They shall with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as a court of quarter sessions: and, subject to the express provisions of this Act, shall conduct their proceedings, be convened, and be in the same position, as near as may be, as if they were a court of quarter sessions.

27. The justices in assessment sessions may, with the approval of one of Her Majesty's principal secretaries of state, make orders from time to time for the purpose of regulating the proceedings on appeals to them under this Act, and for determining the recognizances (if any) to be entered into by appellants in the case of appeals either to special sessions or to the assessment sessions.

Orders as to  
proceedings  
and recog-  
nizances on  
appeals.

28. The justices in assessment sessions may make a table of the fees which in their opinion should be paid to the clerks of special sessions and to the clerk of assessment sessions in the case of appeals under this Act, and shall lay such table before one of Her Majesty's principal secretaries of state in the same manner as the justices at quarter sessions may make and lay before such secretary of state a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three (which section relates to a table of fees and to the prohibition of clerks taking other fees), shall apply in the case of a table of fees made, and the business done by the said clerks under this Act.

Fees on ap-  
peals under  
Act.

All fees paid in the case of appeals to the assessment sessions shall be paid to the account of the receiver of the metropolitan common poor fund (e), and shall be so paid and taken and accounted for in such manner as the poor law board may from time to time by order prescribe.

(d) See sect. 50, *post*.

(e) See sect. 62, *post*.

Places for  
hearing  
appeals.

29. The justices in assessment sessions shall from time to time appoint the place in the metropolis where the appeals relating to each parish in the metropolis are to be heard, and may, if they think fit, divide the metropolis into districts for the purpose of appeals, and appoint one or more places for every such district (*a*).

Public notice  
of times of  
holding  
courts to be  
given.

30. The justices in assessment sessions shall cause public notice to be given of the several times at which they will sit at the several places appointed for the hearing of appeals (*b*); such notice may be given under the hand of their clerk, and shall be given by advertisement in some newspaper circulating generally in the metropolis, and by sending a copy of such notice to every surveyor of taxes in the metropolis, to every assessment committee which would have a right to appeal at such court, and to the overseers of every parish to which any appeal relates, and to all the parties to the appeal.

The overseers shall publish the notice as soon as it is received by them (*c*).

Summons  
of certain  
officers as  
witnesses.

31. The justices in assessment sessions may order any clerk to the commissioners of taxes, any surveyor of taxes, clerk of assessment committee, overseer, assistant overseer, or like officer in the metropolis to produce any documents relating to rates or taxes which such justices may consider necessary for determining an appeal, and do not relate to profits of trade or of concerns in the nature of trade.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section shall be liable (on summary conviction before the justices in assessment sessions or any other two justices) to a penalty not exceeding five pounds.

Persons  
entitled to  
appeal to  
assessment  
sessions.

32. Any ratepayer (*d*) and any surveyor of taxes, and any overseer, with the consent of the vestry of his parish, who may feel aggrieved by any decision of the assessment committee, on an objection made before them to which he was a party, or by any decision of special sessions, whether he was a party or not, may appeal against such decision to the assessment sessions (*d*).

Any assessment committee in the metropolis, or in the county in which the parish to which the appeal relates is situate, any overseers in the metropolis or such county, with the consent of the vestry of their parish, any ratepayer in the metropolis or such county, and any body of persons authorized by law to levy rates or require contributions payable out of rates in the metropolis or such county, may appeal to the assessment sessions, if they or he feel aggrieved by reason—

(1.) of the total of the gross value of any parish being too high or too low ;

(*a*) See sect. 63, *post*.

(*c*) See sect. 66, *post*.

(*b*) See sect. 42 (13), and (14),  
*post*.

(*d*) See 32 & 33 Vict. c. 41, s. 13.

- (2.) of the total of the rateable value of any parish being too high or too low ; or
- (3.) of there being no approved valuation list for some parish.

*Proceedings on Appeals.*

33. Notice in writing of every appeal, whether to special sessions or the assessment sessions, specifying the correction appeal to which the appellant desires to have made in the valuation list, special or assessment sessions, must be served, within the time in this Act mentioned (e), on the following persons ; namely,

in all cases on the surveyor of taxes of the district to which the appeal relates, and on the clerk of the assessment committee which approved the list wholly or partly questioned by the appeal :

when the appeal relates to the unfairness or incorrectness of the valuation of, or to the omission of an hereditament occupied by any person other than the appellant, or to the incorrectness of any matter stated in the list with respect to any such hereditament, then on such person :

if an assessment committee or a surveyor of taxes is the appellant, then also on the overseers of the parish to which the appeal relates :

Provided that it shall not be necessary to serve any notice of appeal on the surveyor of taxes in any case in which the appeal relates only to the rateable value of any hereditament.

The clerk of the assessment committee, on receiving notice of an appeal, shall forthwith serve notice thereof on the clerk of the special sessions or of the assessment sessions, as the case may require.

34. The justices in special sessions and in assessment sessions respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint. They may adjourn the hearing from time to time, and to any day not later than the day before which all appeals to them are required by this Act to be heard (f) : and in the case of assessment sessions for the purpose of obtaining the decision of any superior court to any day necessary for that purpose ; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they may, if they think it just, order notice of appeal to be given. They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, but shall not make any alteration in contravention of this Act. The clerk of the assessment committee (g), or some deputy allowed by the assessment committee, shall attend the court with the valuation

Sessions to hear and determine appeals, and alter list accordingly.

(e) See sect. 42 (9), and (12), *post.* (f) See sect. 42 (10), and (13), *post.*

(g) See 25 & 26 Vict. c. 103, s. 10.

list to which the appeal relates, and any alteration shall be made by the justice acting as chairman of the sessions in that list, and the said justice shall place his initials against such alteration (a).

Making of valuation list where none approved.

35. If it appears to the justices in assessment sessions on any appeal that there is no approved valuation list for some parish, they may appoint some proper person (with such remuneration as they may appoint) to make a valuation list. Such person shall have for that purpose the same powers and duties as overseers (b).

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but in manner as near as may be as is provided in this Act with respect to the list originally made (c).

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under the principal Act.

Assessment sessions may, on application of party to appeal, order valuation.

36. If any of the parties to the appeal apply to the justices in assessment sessions to direct a valuation of any hereditament with respect to which any appeal may be made, and if such applicant or applicants give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some proper person to make such valuation (d).

Adjournment to receive valuation list or valuation.

37. Where the court appoint a person to make a valuation list or a valuation, they may fix some subsequent day, either before or after the day before which all appeals are required by this Act to be heard, for receiving such valuation list or valuation, and may adjourn the hearing to that day (e).

Valuation to be in writing, person making it to have power to enter.

38. The person so appointed to make a valuation shall make his valuation in writing signed by him, showing the particulars of the hereditaments comprised therein, and the amounts at which he has valued the same respectively.

Such person may at all reasonable times, with or without assistants, enter upon any of the hereditaments directed to be valued, and may do thereon all acts necessary for completing the valuation (f).

Costs of appeal.

39. The costs of any appeal, including the costs of any such valuation as aforesaid, shall be in the discretion of the justices in special or assessment sessions (as the case may be), and shall be awarded by them to be paid by such parties to the appeal, and in such proportions, as they think just.

Costs (including the costs of making a valuation) so ordered to be paid may be recovered as if they had been awarded by a court of quarter sessions (g), and when ordered to be paid by

(a) See 27 & 28 Vict. c. 39, s. 1.

(b) See sect. 6, *et seq.* ante.

(c) See sect. 7, *ante*; and 25 & 26 Vict. c. 103, ss. 17, 21, and 38.

(d) See sects. 48 and 62, *post*.

(e) See sect. 42 (10), and (13), *post*.

(f) See 6 & 7 Will. 4, c. 96, s. 4.

(g) See 11 & 12 Vict. c. 43, s. 27; and 12 & 13 Vict. c. 45, s. 18.

parties other than a ratepayer shall be paid as in this Act mentioned.

40. The same proceedings may be had by special case (*h*) Appeal from and *certiorari* (*i*) or otherwise, for questioning any decision of decision of the justices in assessment sessions, as may be had for ques- assessment sessions on tioning any decision of the justices in general or quarter sessions on points of sessions, provided that every such *certiorari* shall be sued out law. within three months after the decision is given.

At any time after notice given of appeal under this Act to the assessment sessions, it shall be lawful for the parties, by consent and by order of any judge of one of the superior courts of common law at Westminster, to state the facts of the case in the form of a special case for the opinion of any of those courts, and to agree that a judgment in conformity with the decision of that court, and for such costs as that court may adjudge, may be entered on the application of either party at the meeting of the justices in assessment sessions next or next but one after such decision has been given, and such judgment may be entered accordingly, and shall be of the same effect in all respects as if the same had been given by the assessment sessions upon an appeal duly brought before them and adjourned; and the justices shall, if necessary, hold a sessions or an adjourned sessions for this purpose.

Notice in writing of the decision of any superior court in pursuance of this section shall be served by the clerk of the assessment sessions on the assessment committee which approved the list questioned on the appeal to such court.

41. Notice of every alteration in the valuation list, which alteration is made in consequence of any decision on any appeal to the special sessions, assessment sessions, or a superior court, shall, as soon as possible, be sent in writing by the clerk of the assessment committee to the overseers and surveyor of taxes of the parish and district respectively to which the list which is so altered relates, and such alteration shall be entered by the clerk of the assessment committee and by the overseers on the duplicates respectively deposited with them. Notice of alteration of list to be sent to overseers.

Notice of every alteration in the total of the gross and rateable value of any valuation list, which alteration is made in consequence of any decision on any appeal to the assessment sessions or a superior court, shall as soon as possible be sent in writing by the clerk of the assessment committee to the clerk of the managers of the metropolitan asylum district, and the clerk of such managers shall send in writing such altered total to every person and body of persons (*k*) who has power to levy or make any rate or assessment or require any contribution based on such total.

(*h*) See 12 & 13 Vict. c. 45, s. 11. 13 Geo. 2, c. 18, s. 5; 5 & 6 Will. 4,

(*i*) See 5 & 6 W. & M. c. 11; 8 & 9 c. 33, ss. 1, 2.  
Will. 3, c. 33; 5 Geo. 2, c. 19, ss. 2, 3; (*k*) See 18 & 19 Vict. c. 120,  
Scheds. A. and B.

*Times for Proceedings.*

Times with-  
in which  
proceedings  
in making  
valuation  
list are to be  
done.

42. With respect to the times within which proceedings under this Act and the Acts incorporated herewith are to be done, the following provisions shall have effect; that is to say,

- (1.) The overseers shall make and deposit the valuation list before the first of June in the first year after the passing of this Act (*a*).
- (2.) The overseers shall transmit the valuation list to the assessment committee not sooner than fourteen and not later than seventeen days after notice is given of the deposit of such list (*b*):
- (3.) Notice of any objection by any person other than the surveyor of taxes and the overseers shall be given before the expiration of twenty-five days after the list is deposited (*c*):
- (4.) The assessment committee shall revise the valuation list before the first of October in the same year, and before the same day, but not less than sixteen days after the transmission of the list to them by the overseers, shall hold a meeting for hearing objections to such list (*d*):
- (5.) The assessment committee shall give notice of a meeting for hearing objections to a list not less than sixteen days before such meeting (*d*):
- (6.) Notice of objection with respect to any list by the surveyor of taxes and by the overseers shall be given not less than seven days before the meeting at which objections to such list will be heard by the assessment committee (*e*):
- (7.) The assessment committee shall send the valuation list to be re-deposited within three days after it is approved by them, and shall appoint a day not less than fourteen nor more than twenty-eight days after such re-deposit for hearing objections to the alterations, of which objections seven days notice shall be given by the objector (*f*):
- (8.) The assessment committee shall finally approve and send the valuation list to the overseers, and the clerk of the managers of the metropolitan asylum district, before the first of November in the same year (*g*):
- (9.) Notices of appeal to special sessions shall be given on

(*a*) See sects. 6, 7, *ante*; and 25 & 26 Vict. c. 103, s. 17.

(*b*) See sect. 7, *ante*; and 25 & 26 Vict. c. 103, s. 17.

(*c*) See sect. 7; and 25 & 26 Vict. c. 103, s. 18.

(*d*) See sect. 7; and 25 & 26 Vict. c. 103, s. 19.

(*e*) See sects. 7, 12, *ante*; and 25 & 26 Vict. c. 103, ss. 18, 19.

(*f*) See sect. 7, *ante*; and 25 & 26 Vict. c. 103, s. 21.

(*g*) See sect. 14, *ante*.

or before the twenty-first of November in the same year (*h*):

- (10.) The justices may hold the special sessions at any time after the thirtieth of November in the same year, which will enable them to determine all appeals before the ensuing first of January (*i*):
- (11.) The clerk of the said managers shall send out the printed totals before the first of December in the same year, and shall return the valuation list to the assessment committee not sooner than fourteen nor later than twenty-one days after the totals are sent out (*k*):
- (12.) Notices of appeals to assessment sessions shall be given on or before the fourteenth of January in the same year (*h*):
- (13.) The justices may hold the assessment sessions at any time after the first of February in the same year, which will enable them to determine all appeals (except where a valuation list or valuation is ordered) before the ensuing thirty-first of March (*l*):
- (14.) Notice of the times at which the assessment sessions will be held at each place shall be given by the clerk ten days at least before the first court is held (*l*).

#### *Effect of Valuation List.*

43. The valuation list as approved by the assessment committee, and if altered on any appeal under this Act to any sessions or a superior court, as so altered, shall come into force at the beginning of the year (commencing on the sixth of April) succeeding that in which it is made, and shall last for five years, subject to any alterations that may be made by any supplemental or provisional list as hereinafter mentioned (*m*). Duration of valuation list.

44. Notwithstanding any appeal under this Act which may be pending at the commencement of the year, the valuation list shall come into force unaltered, and every assessment, contribution, rate, and tax in respect of which the valuation list is conclusive (*n*) shall be made, required, levied, and paid in accordance with such valuation list; and where in consequence of the decision on any appeal under this Act to assessment sessions (*o*) or a superior court (*p*) an alteration in such valuation list is made which alters the amount of the assessment, contribution, rate, or tax levied thereunder, the difference, if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the assessment, contribution, rate, or tax (except so far as any penalty is incurred Rate to be levied notwithstanding appeal.

(*h*) See sect. 33, *ante*.

(*i*) See sect. 18, *ante*.

(*k*) See sects. 16, 17, *ante*.

(*l*) See sect. 30, *ante*.

(*m*) See sects. 46, 47, *post*.

(*n*) See sect. 45, *post*.

(*o*) See sect. 34, *ante*.

(*p*) See sect. 40, *ante*.

on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

45. The valuation list for the time being in force shall be deemed to have been duly made in accordance with this Act and the Acts incorporated herewith, and shall for all or any of the purposes in this section mentioned be conclusive evidence of the gross value and of the rateable value of the several hereditaments included therein, and of the fact that all hereditaments required to be inserted therein have been so inserted; that is to say,

(1.) For the purpose of any of the following rates which are made during the year that the list is in force, namely, the county rate (*a*), the metropolitan police rate (*b*), the church rate (*c*), the highway rate (*d*), the poor rate (*e*), the police, sewers, consolidated and other rates in the city of London, the sewers, lighting, general, and other rates levied by order of district boards or vestries, the main drainage improvement and other rates, and sums assessed on any part of the metropolis by the Metropolitan Board of Works, assessments for contributions under the Metropolitan Poor Act, 1867, and every other rate, assessment, and contribution levied, made, and required in the metropolis on the basis of value :

(2.) For the purpose of any of the following taxes which become chargeable during the year that the list is in force ; namely,

14 & 15 Vict.  
c. 36, &c.

(*a*.) The tax on houses levied under the House Tax Act and the Acts therein incorporated or referred to :

5 & 6 Vict.  
c. 35, &c.

(*b*.) Any tax assessed in pursuance of the Income Tax Act, and any Acts continuing or amending the same, on any lands, tenements, and hereditaments, in all cases where the tax is charged on the gross value, and not on profits :

(3.) For the purpose of determining, so far as it is applicable, the value of any hereditament included therein for the purposes of the Acts relating to the sale of exciseable liquors (*f*), to the qualification of a juror (*g*), to the qualification of a vestryman (*h*), and an auditor of accounts under the Metropolis Management Act, 1855 (*i*), and to the qualification of a guardian (*i*) and of a manager under the "Poor Law Amendment Act, 1834," (*i*) or the "Metropolitan Poor Act,

(*a*) See 15 & 16 Vict. c. 81, s. 26.

(*b*) See 10 Geo. 4, c. 44, ss. 23, 25.

(*c*) See 31 & 32 Vict. c. 109.

(*d*) See 18 & 19 Vict. c. 120, s. 96.

(*e*) See 30 Vict. c. 6, s. 64.

(*f*) See 6 Geo. 4, c. 50; and 25 & 26 Vict. c. 107.

(*g*) See 18 & 19 Vict. c. 120, s. 6.

(*h*) See *ib.* s. 11.

(*i*) See 7 & 8 Vict. c. 109, s. 42.

1867," (k) at any time at which such value is required to be ascertained :

And in construing the Metropolitan Police Act and the Acts <sup>10 Geo. 4,</sup> amending the same, the last valuation for the time being acted <sup>c. 44.</sup> upon in assessing the county rate shall be deemed to mean the valuation list for the time being in force :

And in construing the County Rate Act and Acts referring to <sup>15 & 16 Vict.</sup> the valuation, estimate, basis, or standard for the county rate, the <sup>c. 81, &c.</sup> valuation, estimate, basis, or standard shall be deemed to be the rateable value stated in such list :

And in construing the House Tax Act and the Acts therein <sup>14 & 15 Vict.</sup> incorporated or referred to, the full and just yearly rent shall <sup>c. 36, &c.</sup> be deemed to be the gross value stated in such list :

And in construing the Income Tax Act and any Acts con- <sup>5 & 6 Vict.</sup> tinuing or amending that Act, with respect to Schedules A. and <sup>c. 35, &c.</sup> B. thereof, annual value shall be deemed to mean the gross value stated in such list.

#### *Revision of Valuation List.*

46. Every valuation list shall be revised in manner directed <sup>Mode of</sup> by this Act, and such revision in every period of five years (the <sup>revising va-</sup> first of such periods beginning with the sixth of April one <sup>uation list.</sup> thousand eight hundred and seventy-one) shall be conducted as follows :

- (1.) In each of the first four years of such period a supplemental list shall, if necessary, be made out in the same form as the valuation list, and shall show all the alterations which have taken place during the preceding twelve months in any of the matters stated in the valuation list, but shall contain only the hereditaments affected by such alterations. If no alteration has taken place which makes a supplemental list necessary, the overseers shall send a certificate to that effect to the assessment committee in place of such list, which certificate may be in the form contained in the second schedule to this Act :
- (2.) In the fifth year of every such period the overseers shall make a new valuation list :
- (3.) The same regulations shall be observed and the same proceedings shall be had in the case of a supplemental list and a new valuation list as are directed by this Act and the Acts incorporated herewith in the case of the valuation list made in the first year after the passing of this Act (l) :
- (4.) A supplemental list and a new valuation list shall come into force at the beginning of the year succeeding that in which they are respectively made, in the same

(k) See 30 Vict. c. 6, s. 12 ; and 32 & 33 Vict. c. 63, s. 6.

(l) See sects. 6 and 7, *ante*.

manner and subject to the same conditions as the valuation list made in the first year after the passing of this Act :

- (5.) In each of the last four years of such period the valuation list which was in force on the day before the commencement of each such year, together with and as altered by the supplemental list, if any, which comes into force at the commencement of such year, shall be the valuation list which is in force during that year :
- (6.) A new valuation list when it comes into force shall supersede the valuation list which was in force during the fifth year of such period.

Provision for valuing a house built between the times at which the valuation list is made.

47. If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause increased or reduced in value, the following provisions shall have effect :

- (1.) The overseers of the parish in which such hereditament is situate may, and on the written requisition of the assessment committee or of any ratepayer of the union or of the surveyor of taxes for the district shall, send to the assessment committee a provisional list containing the gross and rateable value as so increased or reduced of such hereditament :
- (2.) A copy of the requisition shall be sent by the person making it to the clerk of the assessment committee, and if within fourteen days after the requisition has been served on the overseers they make default in sending such provisional list he shall forthwith summon the assessment committee, and the assessment committee shall appoint a person to make such provisional list, in the same manner as is in this Act provided in the case of the overseers failing to transmit a valuation list (*a*) :
- (3.) On the receipt of the list the clerk of the assessment committee shall serve on the surveyor of taxes for the district a copy of the list, and shall serve on the occupier of any hereditament to which the list relates a copy of so much thereof as relates to that hereditament. Every copy shall be accompanied by a notice specifying a day, being not less than fourteen days after the date of the service of the notice on or before which any objection to the provisional list may be made, and stating the mode in which an objection is to be made. Such copy and notice shall be served in the same way as notices by an assessment committee are served (*b*) :
- (4.) An objection may be made to any such provisional list by the said occupier, and by the surveyor of taxes, or by either of them, by notice thereof in writing being

(*a*) See sect. 13, *ante*.

(*b*) See sect. 65, *post*.

served on the clerk of the assessment committee, on the overseers, on the surveyor of taxes, and on the occupier, or on such of them as the case may require :

- (5.) The clerk of the assessment committee, on the receipt of the notice of any objection, shall forthwith summon a meeting of the committee, and give notice of the time and place of such meeting to the overseers, to the surveyor of taxes, and the occupier :
- (6.) The committee shall hear and determine on the objection in the same manner as if it were an objection to a valuation list, and may make such order as they think just (c) :
- (7.) If no objection is made, then on the expiration of the time for making objections, or if an objection is made then as soon as the assessment committee have determined on the objection, the assessment committee shall cause a copy to be made of the provisional list, with any alteration made in it by the committee, and shall return the list and the copy thereof, after being dated and signed by their clerk, to the overseers :
- (8.) A provisional list, signed as aforesaid, shall have operation from the date of the service by the clerk of the assessment committee of a copy of the list and notice on the occupier, and shall continue in force until the first list (supplemental or other) which is subsequently made comes into force :
- (9.) Upon a provisional list coming into operation the overseers shall make such entries in the rate book for the then current poor rate as will bring the same into conformity with such list, and shall also enter therein the date at which such list is to come into operation, and shall charge the occupier of such hereditament with a proper proportion of such current poor rate, regard being had to the time which has elapsed between the making of such rate and the said date and to the rateable value stated in such provisional list, and such occupier shall be considered as actually rated for such sum from the said date, and be liable to pay the same, and the same may be enforced accordingly :
- (10.) A provisional list during the time that it is in force shall be deemed to form part of the valuation list for the time being in force, and shall (so far as is necessary) be substituted for so much of that valuation list as relates to the same hereditament, and every rate and tax in respect of which the valuation list is conclusive, which are respectively made or charged after the provisional list comes into force, and the

(c) See sect. 11, *ante* ; and 25 & 26 Vict. c. 103, s. 18.

proportion of the current rate charged as before provided in this section, shall be levied accordingly ; but if when the next revision of the valuation list takes place the list as approved and altered on appeal contains a smaller value for the hereditament comprised in a provisional list than the value stated in such provisional list, the amount of rate or tax which has been overpaid in consequence of the larger value having been stated shall be repaid or allowed :

- (11.) Nothing in this section shall affect the value on which any rate is made or sum is assessed or contribution required which is made, assessed, or required on the totals of the gross or rateable value of parishes or unions.

### *Expenses.*

Costs of  
appeal, &c.

48. The costs of an appeal awarded against or incurred by any assessment committee or overseers shall be deemed to be expenses incurred under this Act and the Acts incorporated herewith, and shall be raised and paid accordingly.

Any costs or expenses awarded against or incurred by any surveyor of taxes shall be defrayed in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive (a).

Inland Re-  
venue may  
make allow-  
ances for  
expenses of  
Act.

49. The commissioners of inland revenue may make such allowances as they think fit for remunerating any person employed by them in the execution of this Act, and for the discharge of any costs or expenses incurred by him.

Expenses.

50. The expenses of the assessment sessions and such remuneration as the poor law board may from time to time allow to the clerk of the managers of the metropolitan asylum district, the clerk of the assessment sessions, and persons appointed to assist the assessment sessions as provided by this Act, and such costs and expenses incurred by such clerks and persons under this Act as the poor law board may allow, after such audit as the poor law board may direct, shall be paid by the receiver of the metropolitan common poor fund out of any monies for the time being in his hands, and shall be paid at such times and in such manner and upon such precept of the poor law board as the poor law board may from time to time prescribe, and the poor law board may require contributions for the purpose of raising such remuneration, expenses, and costs.

### *Rules for Formation of Valuation List.*

Form and  
contents of  
valuation list.

51. The valuation list shall be made out in the form given in the second schedule to this Act.

(a) Sec 25 & 26 Vict. c. 103, s. 38; and sect. 62, *post*.

The overseers shall not include in such valuation list any hereditaments (except tithes or payment in lieu of tithes) which are charged according to rule two in section sixty of the 5 & 6 Vict. Income Tax Act, but shall include tithes and payments in lieu c. 35. of tithes and every hereditament in their parish, and shall enter every hereditament in the valuation list in accordance with the classes mentioned in the third schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that schedule.

52. The per-centage or rate of deductions to be made from the gross value in calculating the rateable value for the purposes of this Act shall not exceed the amounts in the third schedule to this Act, so far as the same are applicable. Deductions for rateable value.

53. When a surveyor of taxes gives notice of objection or of appeal, the amount specified in the notice as being in his judgment the gross value of any hereditament referred to in the notice shall be inserted in the valuation list by the assessment committee, special sessions, or assessment sessions, unless it is proved to the satisfaction of the assessment committee, special sessions, or assessment sessions, that such amount ought not to be so inserted. Amount of gross value specified by the surveyor of taxes to be inserted unless disproved.

54. Nothing contained in this Act or the Acts incorporated herewith shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation. Saving of exemptions and exceptional principles of valuation.

#### *Returns (b).*

55. In the first year after the passing of this Act, and in every subsequent year in which a new valuation list is made, or in the month of March preceding any such year, every person who is liable to be charged with any rate or tax in respect of which the valuation list is made conclusive (c) shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Income Tax Act and the Acts amending the same is bound to make. Occupier to make returns.

(b) See 33 Vict. c. 4, s. 2.

(c) See sect. 45, *ante*.

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#### RATEABILITY OF PREMISES.

The valuation list must be made out according to the Act; but where a rate is to be made upon a charitable institution having a local Act, it must be made according to the exemptions and privileges given thereby: *Reg. v. Foundling Hospital*, 35 J. P. 724; 41 L. J. M. C. 41; L. R. 7 Q. B. 83; 25 L. T. (N. S.) 562. *Decisions on sect. 54.*

Separate sets of chambers entering from a common staircase, as the Westminster Chambers, in Victoria Street, London, which are separately occupied, were held to be separate rateable hereditaments within the Valuation (Metropolis) Act: *Reg. v. St. George's Union Assessment Committee*, L. R. 7 Q. B. 90; 41 L. J. M. C. 30; S. C. *Mutual Tontine Westminster Chambers Association (Limited) v. St. George's Union Assessment Committee*, 25 L. T. (N. S.) 696.

Surveyor of taxes to supply notices and forms for returns to overseers, who are to serve them.

56. For the purpose of securing the proper making of such returns, the surveyor of taxes shall in the month of February preceding send to the overseers of each parish in his district a sufficient number of printed forms and notices, and the overseers, within a month after the receipt thereof, shall serve a notice and form on every person in their parish required by this Act to make a return; and every person required by this Act to make a return shall make it within twenty-one days after the service of a notice and form on him.

The forms and notices shall be such as are prescribed by the Income Tax Act or the Acts amending the same, or as the commissioners of Her Majesty's treasury may from time to time prescribe, and any such form duly filled up and signed shall be deemed to be a sufficient return.

The return shall be delivered to the overseers of each parish, and together with the valuation list shall be sent by them to the surveyor of taxes, and by the surveyor of taxes to the assessment committee.

Assessment committee may require returns from owner and occupier.

57. An assessment committee may, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; viz., of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any tithe rentcharge is paid to him, and of the amounts paid by each such person, and of any other particulars respecting such hereditament as are required for the due execution of this Act and the Acts incorporated herewith. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him.

Penalty for no or false returns.

58. If any person wilfully refuses or neglects to make any return lawfully required under this Act within the times respectively limited by this Act in that behalf, he shall be liable on summary conviction, to a penalty not exceeding five pounds.

If any person wilfully makes or causes to be made a false return, he shall be liable, on summary conviction, to a penalty not exceeding ten pounds.

#### *Miscellaneous.*

Provision for cases where no guardians and where no overseers.

59. With respect to any parish which is not included in any union of parishes, and in which there is no board of guardians (a), the following provisions shall have effect:

- (1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union

the poor law board shall determine the assessment committee which is to act for such parish:

- (2.) Every such parish shall, for the purposes of this Act and the Acts incorporated herewith, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:
- (3.) The masters of the bench, treasurer, governors or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act and the Acts incorporated herewith:
- (4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the overseers under this Act and the Acts incorporated herewith, and may award him such remuneration as they think fit; and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers:
- (5.) A proportionate share of the expenses of the assessment committee under this Act and the Acts incorporated herewith, and any remuneration paid to or expenses incurred by the person appointed by them under this or any other section to make a valuation list, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons: and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the poor law board and the receiver mentioned in those sections.

60. Where the vestry or the guardians of any parish perform the duties of overseers with respect to a valuation list under this Act the list shall be signed by the vestry clerk or the clerk of the guardians (*b*). Provision where vestry are the overseers.

61. The guardians may, upon the application of the assessment committee after notice sent in the manner required by the principal Act (*c*) appoint some competent person to assist the committee in the valuation of the hereditaments in the union for such period as they see fit, at a salary or other settled remuneration, to be paid out of the common fund. Guardians may appoint a paid valuer to assist the assessment committee.

62. Every assessment committee, with the consent of the guardians, and every overseer, with the consent of the vestry of his parish, may, for the purposes of any application for a valuation on any appeal, give security for paying the costs of such valuation (*d*). An assessment committee may give such security and may appear on any appeal by their clerk, and Assessment committee and overseers may give security for costs of valuation.

(*b*) See sect. 5, *ante*.

(*c*) See 25 & 26 Vict. c. 103, s. 16.

(*d*) See sects. 36, 48, *ante*.

shall indemnify the said clerk against all monies, losses, and costs paid or incurred by him in consequence of such security or appearance.

Use of public  
room for  
appeals, &c.

63. Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act (a).

Evidence of  
valuation  
list, &c.

64. A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee that approved it, and such certificate shall state that the alterations (if any) made in the list in consequence of the decision on any appeal under this Act have been correctly made in the duplicate or copy so produced, and the clerk on application shall furnish a copy to any overseers on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately. A provisional list (b) may be proved by the production of a duplicate or copy thereof purporting to be certified to be a true copy by the clerk of the committee who signed it.

Service of  
notices, &c.  
by post, &c.

65. All orders and notices under this Act and the Acts incorporated herewith shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by the same Acts to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to the office of such body or to their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

Publication  
of notices by  
overseers.

66. Any notice required by this Act to be published by the overseers shall, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published (c).

Inspection,  
&c. of docu-

67. Where any documents are required by this Act to be deposited in the same place in a parish in which rate books are

(a) See 13 & 14 Vict. c. 57; and  
18 & 19 Vict. c. 120.

(c) See 17 Geo. 2, c. 3, s. 1; and  
1 Vict. c. 45, s. 2.

(b) See sect. 47, *ante*.

kept, every ratepayer shall be at liberty to inspect and take copies of or extracts from such documents at any reasonable time, without fee or charge. ments, deposited with rate books.

68. The duplicate of the valuation list, approved by the assessment committee, and sent to the overseers, as directed by this Act (*d*), the notices of alterations made on any appeal under this Act (*e*), and any provisional list (*f*) shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of rates, and on any appeal under this or any other Act, and on any other occasion if so required, on which they are bound to produce such rate books, and any overseer who fails to produce such list in accordance with the provisions of this section shall be liable on summary conviction to a penalty not exceeding five pounds. Valuation lists to be equivalent to rate books of parish.

The duplicate of the valuation list returned to the assessment committee by the clerk of the managers of the metropolitan asylum district, and other documents in the possession of the assessment committee in pursuance of this Act, shall be kept at the board room or other convenient place from time to time appointed by the guardians of the same union, but shall be deemed to be in the possession of the assessment committee, and shall be produced by their clerk to the district auditor whenever required by him.

69. Any ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes in the metropolis may, at all reasonable times, without payment, inspect and take copies of and extracts from all valuation lists and documents which in pursuance of this Act are under the control of the clerk of the managers of the metropolitan asylum district, or of the clerk of the assessment sessions. Ratepayer, &c. may inspect documents, &c. in hands of clerk of managers or assessment committee.

Any surveyor of taxes and any guardian and any overseer in a union, without payment, and any ratepayer in a union on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from any valuation lists, notices of objection, returns, and other documents in the possession or under the control of the assessment committee of that union.

Any clerk of an assessment committee in the metropolis may inspect and take extracts from any valuation lists in the possession or under the control of the assessment committee of any other union in the metropolis.

Any person who hinders a ratepayer, overseer, clerk of an assessment committee, or surveyor of taxes from so inspecting or taking copies of or extracts from any valuation list or document, or demands where not authorized by this Act a fee for allowing him so to do, shall be liable on summary conviction to a penalty not exceeding five pounds for each offence.

(*d*) See sect. 14, *ante*.

(*e*) See sect. 41, *ante*.

(*f*) See sect. 47, *ante*.

Owner where rated to be in position of occupier.

Amendment of error in rate by two justices.

Omission from the rate.

Form of rate and declaration.

Amendment of 25 & 26 Vict. c. 103, s. 11.

Saving of powers to

70. Where the owner of any hereditament is liable to be assessed to or to pay any rate or tax in the place of the occupier, such owner shall for the purposes of this Act and the Acts incorporated herewith be deemed to be the occupier (a).

71. Any person who feels aggrieved by reason of any clerical or arithmetical error in a rate in the metropolis may apply to two justices of the peace or a magistrate sitting at any police court in the metropolitan police district, who, after the applicant has given such notice to the overseers who made the rate and such persons as such justices or magistrates think just, may hear the case in like manner as in the case of summary proceedings (b), and amend the rate so far as respects such error.

72. Whenever the name of any person liable to be rated at the time the rate is made is omitted from any rate in the metropolis, or if any person is described in any such rate by a wrong name, the overseers may, after giving to such person seven clear days notice of their intention, apply to any two justices or any police magistrate as aforesaid, who may hear the case in like manner as in the case of summary proceedings, and insert the name so omitted, or correct the name so wrongly entered, and every such insertion and correction shall operate as if it had been part of the original rate: Provided that any person whose name is so inserted or corrected in any such rate may appeal against the same at the general quarter sessions of the peace which is holden next after such insertion or correction, in like manner as he might have appealed against the rate.

73. Every poor rate made in the metropolis after the fifth of April one thousand eight hundred and seventy-one shall contain the particulars specified in the fourth schedule to this Act, together with such other particulars as the poor law board may from time to time by order direct, and the overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices. And the justices shall not allow any rate at the foot of which the said declaration has not been added and signed.

Any overseer who wilfully omits to make the said declaration or makes the same falsely shall be liable on summary conviction to a penalty not exceeding five pounds.

74. The entry of the proceedings of the assessment committee at any meeting, and of the names of the members who attend that meeting, may be signed by the chairman of the next meeting of the committee, and every entry and minute purporting to be so signed shall be received in evidence in the same manner as if such entry or minute had been signed by the chairman of the meeting at which the proceedings took place, and the members were present.

75. Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not

(a) See 32 & 33 Vict. c. 41, s. 4.

(b) See 11 & 12 Vict. c. 43 (Glen's Jervis' Acts, 3rd ed.)

included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rent-charge in respect of such tithe rentcharge.

76. Where for the purposes of the Acts relating to the duty on inhabited houses, or to the duties charged under Schedule B. of the Income Tax Act, or to the sale of exciseable liquors, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

value property not included in a valuation list.

Separate assessment of houses for purposes of house duty, income tax, and Licensing Acts.

### *Repeal of Acts.*

77. The enactments specified in the fifth schedule to this Act, and so much of any other Acts, whether public or local and personal, as authorizes any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed, where they relate only to the metropolis absolutely, and in other cases so far as they relate to the metropolis: Provided—

Repeal of Acts herein described.

1. That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation :
2. That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

### FIRST SCHEDULE (c).

Date of Act.

Short title used in this Act.

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10 Geo. 4, c. 44.	The Metropolitan Police Act.
5 & 6 Vict. c. 35.	The Income Tax Act.
14 & 15 Vict. c. 36.	The House Tax Act.
15 & 16 Vict. c. 81.	The County Rate Act.

(c) See sect. 4 (last clause), *ante*.

SECOND SCHEDULE (a).

PART I.

VALUATION LIST for [the parish or place for which the list is made] in the Metropolitan Union of [or not being in Union] in the County of .

Number.	Name of occupier.	Name of owner.	Description of property.	No. of class.	Name or situation of property.	Extent.	Gross value as estimated by overseers.	Gross value as estimated by surveyor of taxes.	Rate of deduction per cent.	Rateable value.	Gross value as finally determined by Assessment Committee.	Rateable value as finally determined by Assessment Committee.

Signed this            day of            .  
A. B. } Overseers of the poor of  
C. D. } the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation (Metropolis) Act, 1869, have been duly complied with.

Signed this            day of            .  
A. B. } Members of the assessment  
C. D. } committee of the  
E. F. } union.

*Note.*—The two last of the above columns (for gross and rateable value as determined by assessment committee) must be filled up, and the totals of those columns must be added up after the objections to the alterations have (if any) been heard, and before the list is finally approved.

PART II.

*Form of Certificate where no supplemental list is sent.*

We, the overseers of the parish of            , do hereby certify that no alteration has taken place in the matters stated in the valuation list of this parish which renders a supplemental list necessary.

A. B. } Overseers of the parish  
C. D. } of            .

(a) See sect. 51, ante.

THIRD SCHEDULE (*b*),

Showing the several classes into which the hereditaments inserted in a valuation list under this Act are to be divided.

	Maximum rate of deductions.
	Per cent. or proportion.
Class 1. Houses and buildings, or either of them, without land other than gardens where the gross value ( <i>c</i> ) is under 20 <i>l.</i> - -	25 or $\frac{1}{4}$ th.
„ 2. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 20 <i>l.</i> and under 40 <i>l.</i> - -	20 or $1\frac{1}{5}$ th.
„ 3. Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty where the gross value is 40 <i>l.</i> or upwards - -	$16\frac{2}{3}$ or $\frac{1}{6}$ th.
„ 4. Buildings without land which are not liable to inhabited house duty and are of a gross value of 20 <i>l.</i> and under 40 <i>l.</i> -	20 or $\frac{1}{5}$ th.
„ 5. Buildings without land which are not liable to inhabited house duty and are of a gross value of 40 <i>l.</i> or upwards -	$16\frac{2}{3}$ or $\frac{1}{6}$ th.
„ 6. Land with buildings not houses - -	10 or $\frac{1}{10}$ th.
„ 7. Land without buildings - -	5 or $\frac{1}{20}$ th.
„ 8. Mills and manufactories - -	$33\frac{1}{3}$ or $\frac{1}{3}$ rd.
„ 9. Tithes, tithe commutation rentcharge, and other payments in lieu of tithe ( <i>d</i> ) -	To be deter- mined in each case according to the circum- stances and the general principles of law.
„ 10. Railways ( <i>e</i> ), canals, docks, tolls, water- works, and gasworks - -	
„ 11. Rateable hereditaments not included in any of the foregoing classes - -	
The maximum rate of deductions prescribed in this schedule shall not apply to houses or build- ings let out in separate tenements, but the rate of deductions in such cases shall be determined as in classes 9, 10, and 11.	

(*b*) See sect. 52, *ante*.(*c*) See sect. 4, *ante*.(*d*) See 43 Eliz. c. 2, s. 1.(*e*) See Glen's Law of Railways, 4th ed.

FOURTH SCHEDULE (a).

FORM OF RATE.

RATE for the RELIEF of the Poor of the Parish of                      in  
the                      Union, and for other purposes chargeable thereon,  
according to law, made this                      day of                      in the year  
of our Lord 18                      , after the rate of                      in the pound,  
which is estimated to meet all the expenses for the above  
purposes which will be incurred before the                      of  
next.

No.	Name of occupier.	Name of owner.	Description of property rated.	Name or situation of property.	Rate- able value.	Rate at in the pound.	

DECLARATION TO BE ADDED TO THE RATE.

WE, the undersigned, do hereby declare that one of us, or  
some person on our behalf, has examined and compared the  
several particulars in the respective columns of the above rate  
with the valuation list made under the authority of the Valua-  
tion (Metropolis) Act, 1869, and now in force in this parish  
(or township), and the several hereditaments are, to the best of  
our belief, rated according to the value appearing in such  
valuation list, and do declare that the total of the above rate  
amounts to                      pounds                      shillings and  
pence.

\_\_\_\_\_ } Churchwardens.  
\_\_\_\_\_  
\_\_\_\_\_ } Overseers.  
\_\_\_\_\_

(a) See sect. 73, ante.

FIFTH SCHEDULE (b).

- |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |   |                      |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------------------|
| 43 Geo. 3,<br>c. 161.  | An Act for repealing the several duties under the management of the commissioners for the affairs of taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licenses, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said commissioners for the affairs of taxes, and also new duties on persons selling carriages by auction or on commission - | } | in part,<br>namely,— |
|                        | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.                                                                                                                                                                                                                                                                                                                                                               |   |                      |
| 48 Geo. 3,<br>c. 55.   | An Act for repealing the duties of assessed taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the commissioners for the affairs of taxes -                                                                                                                                                      | } | in part,<br>namely,— |
|                        | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.                                                                                                                                                                                                                                                                                                                                                               |   |                      |
| 57 Geo. 3,<br>c. 25.   | An Act to explain and amend an Act made in the forty-eighth year of His present Majesty for repealing the duties of assessed taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act -                                                                                                                                               | } | in part,<br>namely,— |
|                        | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive.                                                                                                                                                                                                                                                                                                                                                               |   |                      |
| 10 Geo. 4,<br>c. 44.   | An Act for improving the police in and near the metropolis -                                                                                                                                                                                                                                                                                                                                                                                                                                          | } | in part,<br>namely,— |
|                        | So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is made conclusive.                                                                                                                                                                                                                                                                                                                     |   |                      |
| & 7 Will. 4,<br>c. 96. | An Act to regulate parochial assessments -                                                                                                                                                                                                                                                                                                                                                                                                                                                            | } | in part,<br>namely,— |
|                        | Sections one, two, six, seven, and nine.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |   |                      |

(b) See sect. 77, *ante*.

- 5 & 6 Vict.  
c. 35. An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five (in this Act called the Income Tax Act) - - - - - } in part,  
Section sixty. No. I. } namely,—  
No. II. par. 1, 3.  
No. IV. par. 2, 4.  
No. V. (so far as respects the deductions allowed by this Act.)  
Section sixty-three. No. X. par. 1, 2, 3, 4.  
Sections sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is made conclusive.
- 14 & 15 Vict.  
c. 36. An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value (in this Act called the House Tax Act) - - - } in part,  
So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive. } namely,—
- 15 & 16 Vict.  
c. 81. An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act) - } in part,  
So much of sections one to twenty, both inclusive, as relates to the preparation of a basis or standard of county rate for any part of the metropolis, and sections forty to forty-three, both inclusive. } namely,—
- 16 & 17 Vict.  
c. 34. An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices - - - } in part,  
Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive. } namely,—
- 18 & 19 Vict.  
c. 120. An Act for the better local management of the metropolis (Metropolis Management Act, 1855) - - - - - } in part,  
So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive. } namely,—

- 20 & 21 Vict.  
c. 64. An Act for raising a sum of money for }  
building and improving stations of the } in part,  
metropolitan police, and to amend the } namely,—  
Acts concerning the metropolitan police - }  
Sections eleven and twelve.
- 21 & 22 Vict.  
c. 33. An Act for the better management of county } in part,  
rates - - - - - } namely,—  
Section one.
- 25 & 26 Vict.  
c. 102. An Act to amend the Metropolis Local Ma- } in part,  
nagement Acts (the Metropolis Manage- } namely,—  
ment Amendment Act, 1862) - - - }  
So much of sections six, seven, and  
thirteen as authorizes or relates to  
the ascertaining the value of any  
hereditament with respect to the  
value of which the valuation list is  
conclusive, and so much of any Act  
as applies the provisions hereby re-  
pealed.
- 25 & 26 Vict.  
c. 103. The Union Assessment Committee Act, } in part,  
1862 - - - - - } namely,—  
Sections three, fourteen, fifteen, the  
following words in section seventeen,  
“and a copy of such valuation list  
shall be forthwith delivered to the  
board of guardians,” sections twenty-  
two, twenty-three, twenty-four,  
twenty-five, twenty-six, twenty-seven,  
section twenty-eight down to “sche-  
dule hereunto annexed,” sections  
twenty-nine, thirty-one, thirty-two,  
thirty-three, thirty-four, thirty-five,  
thirty-six, thirty-nine, forty-one,  
forty-two, forty-three, and forty-five.
- 27 & 28 Vict.  
c. 39. The Union Assessment Committee Amend- } in part,  
ment Act, 1864 - - - - - } namely,—  
Sections one, nine, and eleven.
- 29 & 30 Vict.  
c. 64. An Act to amend the laws relating to the } in part,  
Inland Revenue - - - - - } namely,—  
Section seventeen, so far as it relates to  
the value of property.
- 29 & 30 Vict.  
c. 78. } The County Rate Act, 1866 - - - - { in part,  
} } namely,—  
Section one.
- 31 & 32 Vict.  
c. 122. } The Poor Law Amendment Act, 1868 - { in part,  
} } namely,—  
Sections thirty, thirty-one, thirty-two,  
and thirty-eight.

32 & 33 VICT. CHAP. 70.

AN ACT to consolidate, amend, and make perpetual the Acts for preventing the introduction or spreading of Contagious or Infectious Diseases among Cattle and other Animals in Great Britain. [9th August, 1869.]

\* \* \* \* \*

PART VIII.—EXPENSES OF LOCAL AUTHORITIES.

Expenses for compensation.

89. The expenditure of a local authority in compensation for animals slaughtered under Part V. of this Act, or in respect of principal of or interest on money borrowed in pursuance of this Act, shall be defrayed out of the local rate, or out of a separate rate to be levied in all respects as the local rate, and included under the term local rate.

Any person who is not the owner of the premises in respect of which he is rated under this section to the local rate may deduct from the growing rent due to the owner of such premises one half of the rate payable by him for the purposes of this section, and every owner shall allow such deduction accordingly.

The owner for the purposes of this section shall be the person for the time being entitled to receive the rackrent of the premises in respect of which the rate is made on his own account, or who would be entitled to receive the same if such premises were let at a rackrent, including under the term rackrent any rent which is not less than two thirds of the net annual value of the premises out of which the rent issues.

Every local authority shall have power, notwithstanding any limit in any Act of parliament, to levy a local rate to the amount required for the purposes of this Act, but every rate or increase of rate levied under this section shall in all precepts for the levy thereof be described as a separate rate or separate item of rate, and when collected from the individual ratepayers shall be collected as a separate rate or specified as a separate item of rate.

Every order of a board of guardians for contribution of monies, out of which any such expenditure as in this section mentioned is payable, shall state the amount in the pound of contribution required for such expenditure; and the overseers, on the receipt given to any ratepayer for poor rate shall specify the amount (if any) collected in respect of such expenditure.

\* \* \* \* \*

Variation of forms of precepts and orders.

93. All precepts, orders for contribution, and forms of poor rate shall, where necessary, be varied in such manner as may be required for carrying into effect this Act.

\* \* \* \* \*

95. Where the local rate is a county rate or borough rate, or any other such rate as is mentioned in the second schedule to this Act, all the provisions of the statutes applicable to the making, levying, and collecting of a county rate, borough rate, or such other rate shall apply, notwithstanding that the whole of such rate, or any part thereof, is applicable to the payment of the expenditure of a local authority in pursuance of this Act in compensation for animals slaughtered, or in respect of principal of or interest on money borrowed in pursuance of this Act.

Saving of statutes applicable to rates leviable for expenses.

96. An error in the statement of the amount of expenses in any precept, warrant, contribution, order, or receipt issued or given under this Act shall not invalidate such precept, warrant, contribution, order, or receipt; but any person aggrieved by the error may appeal to the justices in petty sessions, and the justices may rectify the error, and award to the appellant compensation for any loss he may have sustained thereby, the amount of such compensation to be paid to the appellant, and to be deemed expenses of the local authority under this Act.

Error in statement not to vitiate precept, &c.

\* \* \* \* \*

### 32 & 33 VICT. CHAP. 71.

AN ACT to consolidate and amend the Law of Bankruptcy.  
[9th August, 1869.]

\* \* \* \* \*

32. The debts hereinafter mentioned shall be paid in priority to all other debts. Between themselves such debts shall rank equally, and shall be paid in full, unless the property of the bankrupt is insufficient to meet them, in which case they shall abate in equal proportions between themselves; that is to say,

Preferential debts.

(1.) All parochial or other local rates due from him at the date of the order of adjudication, and having become due and payable within twelve months next before such time (a).

\* \* \* \* \*

(a) By sect. 125 (7) of the Act, debtor shall be distributed in the under a liquidation, the property of a same manner as in a bankruptcy.

#### BANKRUPTCY OF RATEPAYER.

With reference to 24 & 25 Vict. c. 134, s. 156, it was held that one year's parochial rates, due at date of bankruptcy, may be paid in full: In re *Saberton*, 9 L. T. (N.S.) 267. Decisions on sect. 32.

Arrears of poor rates due from a bankrupt before his bankruptcy, are leviable under the fiat; and the certificate is a bar to levying the amount

Preferential claim in case of apprenticeship.

33. Where at the time of the presentation of the petition for adjudication any person is apprenticed or is an articulated clerk to the bankrupt, the order of adjudication shall, if either the bankrupt or apprentice or clerk give notice in writing to the trustee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of such apprentice or clerk to the bankrupt as a fee, the trustee may, on the application of the apprentice or clerk, or of some person on his behalf, pay such sum as such trustee, subject to an appeal to the court, thinks reasonable, out of the bankrupt's property to or for the use of the apprentice or clerk, regard being had to the amount paid by him or on his behalf, and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy, and to the other circumstances of the case.

Where it appears expedient to a trustee he may on the application of any apprentice or articulated clerk to the bankrupt, or any person acting on behalf of such apprentice or articulated clerk, instead of acting under the preceding provisions of this section, transfer the indenture of apprenticeship or articles of agreement to some other person.

\* \* \* \* \*

### 32 & 33 VICT. CHAP. 78.

AN ACT to amend the Law relating to Criminal Lunatics.

[9th August, 1869.]

30 & 31 Vict. c. 12. WHEREAS by the sixth section of "the Criminal Lunatics Act, 1867," it is enacted, "that where the term of punishment awarded to any criminal lunatic confined in any asylum or other place of confinement for criminal lunatics expires before such evidence of his sanity has been given as justifies his being discharged, such consequences shall ensue as are

#### BANKRUPTCY OF RATEPAYER—continued.

*Decisions on sect. 32.*

under 43 Eliz. c. 2, by distress and sale of his subsequently acquired goods; *Reg. v. Sussex JJ.*, and *In re Wetherell and Courthorpe*, 19 L. J. (N. S.) M. C. 115; 14 J. P. 224.

A rate assessed after bankruptcy, imprisonment as to that rate is legal, notwithstanding the protection. *Quære*, whether bankruptcy has any operation until after the certificate on a demand for poor rates: *Phillips v. Naylor*, 5 Jur. (N. S.) 966; 3 H. & N. 14; 22 J. P. 355.

The provisions of sect. 156 of the Bankruptcy Act, 1861, 24 & 25 Vict. c. 134, relating to parochial rates, applied to deeds of composition as well as to bankruptcy: *Ex parte St. Andrew, Holborn*, 20 L. T. (N. S.) 281.

thereinafter mentioned : ” And whereas doubts are entertained whether such section extends to criminal lunatics whose terms of punishment have expired previously to the passing of the said Act, and it is expedient to remove such doubts :

\* \* \* \* \*

*Preliminary.*

1. This Act may be cited as “The Criminal Lunatics Act, Short title. 1869.”

2. It is hereby declared that the sixth section of the Criminal Lunatics Act, 1867, does apply and shall be deemed to have applied from the date of the passing thereof to criminal lunatics whose terms of punishment expired before the date of the passing of such Act in the same manner, so far as circumstances admit, as if their terms of punishment had expired subsequently to the passing of such Act, and all orders made and acts done previously to the passing of this Act in respect of or to criminal lunatics whose terms of punishment expired before the passing of the said Criminal Lunatics Act, 1867, shall be valid accordingly ; but no parish or place upon which any order may have been or shall be made for, or which shall be otherwise chargeable with, the maintenance of any criminal lunatic under the sixth section of the said Act shall be liable to make good or refund any sum of money which may have been theretofore expended by any other parish or place on account of the maintenance of such lunatic.

Application  
of sect. 6 of  
30 & 31 Vict.  
c. 12.

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32 & 33 VICT. CHAP. 96.

AN ACT to amend the Contagious Diseases Act, 1866.

[11th August, 1869.]

\* \* \* \* \*

13. The settlement of a child born of the body of a mother while detained in a certified hospital shall be the same as if such hospital were a house licensed for the public reception of pregnant women under the Act of the thirteenth year of King George the Third, chapter eighty-two (a).

As to  
settlement  
of child born  
in certified  
hospital.

(a) See 13 Geo. 3, c. 82, s. 5.

## 32 &amp; 33 VICT. CHAP. 102.

AN ACT for making further provision respecting the borrowing of Money by the Metropolitan Board of Works, and for other purposes connected therewith (*a*). [9th August, 1869.]

\* \* \* \* \*

Orders of vestry and district board for raising money required for consolidated rate.

24. Where a vestry or district board make an order requiring the overseers (including in the term any body of persons performing the duties of overseers) of any parish in their district to levy and pay over the sum which such vestry or district board require to raise for the purpose of satisfying or of replacing any sum expended in satisfying any precept of the board for the purposes of the consolidated rate, such vestry and district board shall distinguish in their order the sum to be levied in such parish for that purpose, and the sum (if any) required for other purposes of such vestry and district board; and the overseers or collectors shall, in the demand notes or receipts to be given by them for the sums levied or collected in pursuance of such order, distinguish the rate in the pound required to meet the sum specified in the order to be required for the purpose of satisfying such precept, and the rate in the pound specified to be required for other purposes.

Every such order, demand note, and receipt shall also specify the whole sum paid by such vestry or district board for satisfying such precept, and the proportions specified in the precept as required for the purposes of securities and consolidated stock, and for other purposes of the board respectively, and for the purposes of the Main Drainage Acts and the Fire Brigade Act respectively.

\* \* \* \* \*

Loans by board to managers of metropolitan asylum district.

37. Where the managers of the metropolitan asylum district require to borrow money under "The Metropolitan Poor Act, 1867," and the Acts amending the same (*b*), such managers may borrow and the board may lend on the security authorized by those Acts such sums as the managers may have been authorized by the poor law board, in pursuance of those Acts, to borrow, not exceeding in the whole five hundred thousand pounds (*c*).

For the purpose of raising the money so lent to the managers, the board may create consolidated stock under the provisions of this Act, in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the Acts mentioned in the first schedule to this Act,

(*a*) See 33 & 34 Vict. c. 24; and 34 & 35 Vict. c. 47.

(*b*) See 30 Vict. c. 6, s. 17; and 31 & 32 Vict. c. 122, s. 35.

(*c*) See 34 & 35 Vict. c. 47, s. 17.

and all the provisions of this Act shall apply as if such money were raised and stock were created for the purposes of the last-mentioned Acts, with this exception, that the money required in pursuance of this section may be borrowed by the board in addition to the sum limited by this Act.

All sums received by the board from the said managers in respect of interest on or the principal of such loan shall be carried to the Metropolitan Consolidated Loans Fund.

Notwithstanding anything in the Metropolitan Poor Act, 1867, and the Acts amending the same, the amount so lent by the board shall be repaid to them by the said managers, with interest, within such period not exceeding sixty years as may be agreed upon between the board and the said managers, subject to the approval of the treasury.

The board may lend and the managers may borrow money in pursuance of this section for the purpose of repaying any loan due at the passing of this Act from the said managers.

The board and the said managers may execute all such deeds and documents and do all such acts as may be necessary or expedient for carrying this section into effect.

### 33 VICT. CHAP. 2.

AN ACT to make provision for the proceedings of Boards of Management and Boards of Guardians upon the dissolution of Districts and Unions or the annexation of parishes to Unions.  
[25th March, 1870.]

WHEREAS it is expedient that better provision should be made for the proceedings of boards of management and boards of guardians when the districts or unions for which they have acted respectively are dissolved, or the parish for which any such board of guardians have acted shall be added to a union or to another parish :

\* \* \* \* \*

1. When the poor law board shall have dissolved or shall dissolve any district the component parts whereof shall not have been formed into one union, or shall have dissolved or shall dissolve any union, or shall have added or shall add any parish in which the relief to the poor shall be or shall have been administered by a board of guardians to a union or to another parish (*d*), the persons who were acting as managers or guardians at the time of the dissolution or addition, and the survivors of them, shall continue in office for the purpose

Persons acting as guardians or managers at time of dissolution, &c. to continue in office to wind up accounts ;

(*d*) See 4 & 5 Will. 4, c. 76, s. 32; 7 & 8 Vict. c. 101, s. 66; and 32 & 33 Vict. c. 63, s. 1.

and empowered to make orders upon parishes or unions for contributions, and to enforce the same ;

of paying and discharging the debts and liabilities of such district, union, or parish, and of receiving and recovering moneys or other property due to the said district, union, or parish, as the case may be, in like manner as the board of management or board of guardians could have done if no dissolution or addition had taken place ; and the said managers or guardians shall be empowered to make all necessary orders for contributions upon the unions and parishes comprised within the district or union so dissolved, or upon the proper authorities of the parish so added, as the case may require, and to enforce the same as the board of management or board of guardians could have done previous to the dissolution or addition respectively : provided that the limitation of time for the payment of debts imposed by the statute of the twenty-second and twenty-third Victoria, chapter forty-nine (*a*), shall not apply to the cases of districts or unions dissolved or of parishes added to a union before the passing of this Act, where such limitation had not taken effect previous to the dissolution or addition thereof as aforesaid ; and provided that no such managers or guardians shall be empowered to act in the manner aforesaid for a longer period than twelve months from the date of the dissolution or addition, unless the poor law board by their order shall authorize them to continue to act for some special purpose.

and also may retain services of officers with salaries and for periods to be approved of by poor law board.

2. The said managers or guardians may retain the services of such of the officers of the board of management or board of guardians respectively as they shall deem requisite to enable them to complete the liquidation and discharge of the debts and liabilities of the union, district, or parish, or appoint others to assist them, with such remuneration and for such time only as the poor law board shall approve.

Provision for the continuance of actions, suits, or other proceedings.

3. All actions, suits, or other proceedings commenced by or against the board of management or board of guardians prior to the dissolution or addition aforesaid, may be continued by or against the said last acting managers or guardians in the name of the board of management or board of guardians, as the case may be, except where the several parts of a district shall have been or shall be formed into one union, in the manner provided for by the second section of the Metropolitan Poor Amendment Act, 1869 (*b*), and all the costs incurred by or adjudged against such managers or guardians in any such action, suit, or other proceeding, and not otherwise recovered, shall be chargeable to the same fund as if the action, suit, or proceeding had been determined before the dissolution or addition.

Poor law board upon notice from managers, &c. to make adjustment.

4. Upon notice from the managers or guardians, as the case may be, that all the current debts and liabilities of the district or union have been liquidated and discharged, or when the poor law board shall otherwise deem it expedient, the said

(*a*) See 22 & 23 Vict. c. 49, ss. 1, 5.

(*b*) See 32 & 33 Vict. c. 63, s. 2.

board shall proceed to make such adjustment of the rights and liabilities of the several unions or parishes contained in such district or union respectively as is provided for by the thirty-second section of the Poor Law Amendment Act, 1834, and the first section of the Metropolitan Poor Amendment Act, 1869.

5. Upon the issue of the order of the poor law board forming a union of two or more parishes, in which the relief to the poor has been administered by a board of guardians, the last acting guardians or overseers respectively shall continue to administer such relief in the parish or parishes respectively until the guardians for the union shall be completely elected.

When union is formed out of parishes the last acting guardians, &c. to continue till guardians are elected.

6. The accounts of the last acting managers or guardians and of their officers and of the overseers shall be audited in the like manner and for the like purpose and with the like effect and by the same auditor as if the dissolution or addition had not taken place (c).

The accounts of the last acting guardians, &c. to be audited.

7. If when a district or union has been or shall be dissolved there remain unpaid any instalment or instalments of a loan or loans contracted under the provisions of any Act of parliament by the managers or guardians of such district or union (d), every such instalment and all interest on such loan or loans not discharged before the expiration of the time within which the said last managers or guardians respectively can act shall from time to time after the same shall severally have become due be paid by such board or boards of managers or guardians as the poor law board by their order shall direct, and the amounts shall be charged against the same parishes and in the same proportions as they would have been had no such dissolution taken place; and if when a parish has been or shall be added to a union or to another parish there remain unpaid any such instalment or instalments of any such loan or loans as aforesaid contracted by the guardians of the poor of the said parish, every such instalment and all interest on such loan or loans not discharged within such time as aforesaid shall from time to time after the same shall severally become due be paid out of the poor rates of the said parish by the overseers or other body or persons who make and levy the said rates; and the parties to whom any such instalment or interest shall be due shall have in all respects the same remedies for the recovery thereof against the managers or guardians so directed as aforesaid to pay the same, or against the overseers or other body or persons as aforesaid, as the case may be, as they severally had against the managers or guardians who originally contracted the loan in respect of which such instalment or interest is payable: Provided that nothing herein contained shall prevent the instalments and interest or balance of any such loan from being discharged out of the

As to payment of loans contracted and still due.

(c) See 7 & 8 Vict. c. 101, s. 32.

(d) See 4 & 5 Will. 4, c. 76, s. 25; and 30 Vict. c. 6, s. 17.

produce of the sale of any property belonging to any district or union at the time of the dissolution, or to any parish at the time of its being added to the union (a).

Deeds and other matters relating to the relief of the poor transferred to new board of guardians.

8. All deeds, bonds, covenants, indentures, orders of justices, or other matters affecting any poor persons, apprentices, or officers entered into by or made upon or in favour of any board of guardians of a parish which shall be added to a union, shall vest in and enure to the benefit of or shall be a charge upon the guardians of the union to which such parish shall have been added without any assignment, transfer, or other act; and all securities, deeds, orders, books of account, and other documents relating thereto, shall, when required by said guardians, be delivered to them by the persons having the custody thereof; and all such deeds (other than the title deeds to property), bonds, indentures, orders of justices, or other documents and matters as aforesaid belonging to any dissolved district or union shall be preserved in such custody and shall be open to inspection in such manner as the poor law board shall by their order from time to time direct.

Superannuation allowances and compensations to be paid by guardians of unions.

9. Every superannuation allowance granted by a board of guardians in conformity with the provisions of the statute applicable thereto, and every compensation ordered by the poor law board to be paid to any officer by or on account of any parish, whether part of a dissolved union or not, shall, when such parish shall be added to or formed with another into a union, be paid by the guardians of such union to the person entitled thereto and charged by them to the account of such parish (b).

Sect. 20 of 30 & 31 Vict. c. 113 (*Sic*) (c) extended to a parish added to another parish to form a union.

10. The provisions contained in the twentieth section of the Poor Law Amendment Act, 1867, relating to the period of service of officers and the allowance of compensations to persons deprived of their offices, shall extend to the case of a parish which shall be united to some one or more parishes to form a union, and to the officers of such parish.

Provision for the valuations of property on dissolution, separation, or amalgamation of unions and districts.

11. When any district or union has been or shall be dissolved, or any parish has been or shall be added to or separated from a union, or any unions or parishes added to or separated from a district or part of it, or any parish has been or shall be added to another parish to form a union, and a valuation shall become requisite for the adjustment of the rights and liabilities of the districts, unions, or parishes affected thereby, such valuation shall be procured by the managers, guardians, or overseers of the districts, unions, or parishes respectively, in such manner as the parties interested shall mutually agree upon, or by the poor law board in case of their not agreeing within such time as the board shall fix, which board shall direct the expenses incurred in procuring the same to be

(a) See 5 & 6 Will. 4, c. 69.

(b) See 27 & 28 Vict. c. 42; 29 & 30 Vict. c. 113, ss. 1, 2, 3.

(c) It should be 106.

charged to the districts, unions, parishes, or parts thereof respectively, according as they shall be interested therein, in such proportions as to the said board shall seem to be equitable; and every person in whose favour such direction shall have been given shall be entitled to recover the amount from the persons directed to pay the same, by action in like manner as any debt recoverable at law.

12. Upon the dissolution of any district or union, or the addition of any parish in which the relief to the poor shall have been or shall be administered by a board of guardians to a union or to another parish, the real and personal estate vested in the managers or guardians of such district, union, or parish respectively shall be transferred to and vested in the persons who were acting as managers or guardians respectively at the time of such dissolution or addition, to be held by them as joint tenants, according to the nature of such property, in trust for the parishes comprised in such district or union, or for the parish, as the case may be, until the same shall be sold, let, or otherwise disposed of under the authority of the third section of the "Union and Parish Property Act, 1835," and any Act extending the same: Provided, that nothing herein contained shall apply to any parish provided for by the fifth section of the Metropolitan Poor Amendment Act, 1869, or by a local Act.

Vesting of property of dissolved unions, &c. in last acting managers or guardians until sold, &c. under sect. 3 of 5 & 6 Will. IV. c. 69.

13. The words used in this Act shall be construed in like manner as in the Poor Law Amendment Act, 1834 (*d*), and in the subsequent Acts amending and extending the same.

14. This Act may be cited and described for all purposes as "The Dissolved Boards of Management and Guardians Act, 1870" (*e*).

Construction of Act.

Short title.

### 33 VICT. CHAP. 10.

AN ACT to Consolidate and amend the Law relating to the Coinage and Her Majesty's Mint. [4th April, 1870.]

\* \* \* \* \*

4. A tender of payment of money, if made in coins which have been issued by the Mint in accordance with the provisions of this Act, and have not been called in by any proclamation made in pursuance of this Act, and have not become diminished in weight, by wear or otherwise, so as to be of less weight than the current weight, that is to say, than the weight (if any) specified as the least current weight in the first schedule to this Act, or less than such weight as may be declared

Legal tender.

(*d*) See 4 & 5 Will. 4, c. 76, s. 109; and 5 & 6 Vict. c. 57, s. 18. (*e*) "33 Vict. c. 2," would certainly be a shorter title.

by any proclamation made in pursuance of this Act, shall be a legal tender,—

In the case of gold coins for a payment of any amount :

In the case of silver coins for a payment of an amount not exceeding forty shillings, but for no greater amount :

In the case of bronze coins for a payment of an amount not exceeding one shilling, but for no greater amount.

Nothing in this Act shall prevent any paper currency which under any Act or otherwise is a legal tender from being a legal tender.

\* \* \* \* \*

### 33 VICT. CHAP. 14.

AN ACT to amend the Law relating to the legal condition of  
Aliens and British Subjects. [12th May, 1870.]

\* \* \* \* \*

#### *Status of Aliens in the United Kingdom.*

Capacity of an  
alien as to  
property.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject ; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject : Provided,—

- (1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office, or for any municipal, parliamentary, or other franchise :
- (2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him (a) :

\* \* \* \* \*

(a) See 33 & 34 Vict. c. 77, s. 8.

## 33 &amp; 34 VICT. CHAP. 18.

AN ACT to provide for the equal distribution over the Metropolis of a further portion of the charge for the Relief of the Poor.  
[20th June, 1870.]

\* \* \* \* \*

1. From and after the twenty-ninth day of September one thousand eight hundred and seventy the provisions of the sixty-ninth section of the Metropolitan Poor Act, 1867, directing the repayment of the expenses incurred for the maintenance of lunatics and insane poor, and of patients in any asylum specially provided under that Act for patients suffering from fever and smallpox, shall extend to the expenses incurred for the maintenance of paupers in any other asylum now or hereafter to be provided under the said Act, and to the maintenance of paupers above the age of sixteen years in any workhouse in the metropolis, and the poor law board shall, by its precept under seal, direct the receiver of the common poor fund to repay such expenses out of that fund, in the same manner as the expenses specified in that section (*b*), subject, nevertheless, to the following provisions:—

Maintenance of in-door poor to be a charge upon the metropolitan common poor fund.

- (1.) The poor law board shall certify the maximum number of paupers to be maintained in any workhouse or asylum.
- (2.) No repayment shall be made in respect of a greater number of paupers maintained in any asylum on any one day than will complete the maximum number which such asylum shall have been certified to hold as aforesaid, nor in respect of a greater number of paupers maintained in any workhouse on any one day than will, together with the children under the age of sixteen, if any, maintained therein on the same day, complete the maximum number certified for such workhouse.
- (3.) The amount so repaid in respect of such maintenance shall be at the rate of fivepence per day for each pauper in such workhouse or asylum.
- (4.) If the guardians of any union or parish, or the managers of any asylum, shall, during any half year ending at Lady Day or Michaelmas respectively, have refused or neglected to comply with any order of the poor law board, issued under the Poor Law Acts, directing the alteration or enlargement of the workhouse (*c*), the provision of proper drainage, sewers, ventilation (*d*), fixtures, furniture (*e*), surgical and medical

(*b*) See 30 Vict. c. 6, s. 70.

(*d*) See 4 & 5 Will. 4, c. 76, s. 25;

(*c*) See *ib.* s. 20.

and 31 & 32 Vict. c. 122, s. 8.

(*e*) See 4 & 5 Will. 4, c. 76, s. 23.

appliances (a), or directing the appointment of any officer, or prescribing the maximum number of paupers to be maintained in any workhouse or asylum, or the classification of such paupers, such guardians or managers shall be deemed to be in default, and the poor law board may, if they think fit, omit from their precept for such half year, addressed to the receiver of the common poor fund, the sums which such guardians or the guardians of the unions and parishes comprised in the district to which the asylum belongs, would have been entitled to be repaid under this Act if there had been no such default: Provided that if such guardians or managers shall comply with such order before the termination of the next ensuing half year, it shall be lawful for the poor law board to include in their precept for that half year the sums so omitted from their precept for the previous half year.

The maintenance of officers to be allowed as part of their salaries.

Financial statement of guardians.

Construction.  
Short title.

2. The term "salaries of officers," referred to in the said sixty-ninth section of the said Metropolitan Poor Act, shall include the cost of the rations of the officers therein described, according to a scale to be fixed by the poor law board.

3. Within one month of each audit of the accounts of the board of guardians of any union or parish in the metropolis, such board shall deliver, by post or otherwise, to each vestry within such union or parish, one or more copies of the financial statement of such guardians, showing the receipts, expenditure, balances, and liabilities for the half year, as audited.

4. This Act shall be construed in like manner as the Metropolitan Poor Act of 1867, and shall be termed The Metropolitan Poor Amendment Act, 1870.

### 33 & 34 VICT. CHAP. 23.

AN ACT to abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto.

[4th July, 1870.]

\* \* \* \* \*

Forfeiture,  
&c. abolished.

1. From and after the passing of this Act no confession, verdict, inquest, conviction, or judgment of or for any treason or felony or *felo de se* shall cause any attainder or corruption of blood, or any forfeiture or escheat, provided that nothing in this Act shall affect the law of forfeiture consequent upon outlawry.

(a) See 32 & 33 Vict. c. 63, s. 14.

2. Provided nevertheless, that if any person hereafter convicted of treason or felony, for which he shall be sentenced to death, or penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other corporation, or be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person shall receive a free pardon from Her Majesty, within two months after such conviction, or before the filling up of such office, benefice, employment, or place if given at a later period; and such person shall become, and (until he shall have suffered the punishment to which he had been sentenced, or such other punishment as by competent authority may be substituted for the same, or shall receive a free pardon from Her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or of being elected, or sitting, or voting as a member of either house of parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise whatever within England, Wales, or Ireland (b).

Conviction for treason or felony to be a disqualification for offices, &c.

\* \* \* \* \*

33 & 34 VICT. CHAP. 29.

AN ACT to amend and continue “the Wine and Beerhouse Act, 1869.” [14th July, 1870.]

\* \* \* \* \*

4. The provisions of the principal Act (c), with reference to the grant, duration, and transmission of certificates, shall be amended as follows; (that is to say,)

(1.) The seventh section of the principal Act (c) shall be read as if for the words “constable or peace officer acting within such parish, township, or place,” there were substituted the words “the superintendent of police of the district,” and the notice required by that section to be given to any overseer or constable may be served by a registered letter through the post:

Amendment of provisions of principal Act as to grants, durations, and transmissions of certificates.

\* \* \* \* \*

(b) See 4 & 5 Will. 4, c. 76, ss. 46, and 30 & 31 Vict. c. 102, ss. 3, 4, 48; 5 & 6 Will. 4, c. 76, ss. 11, 15; 5, 6.

(c) See 32 & 33 Vict. c. 27, s. 7.

Duration of  
the principal  
Act and of  
this Act.

17. The principal Act shall be continued and be in force, and this Act shall be in force for two years from the date of the passing of this Act, and until the end of the then next session of parliament.

### 33 & 34 VICT. CHAP. 48.

AN ACT for removing doubts respecting the payment of Expenses incurred in the Conveyance of Paupers in certain cases not expressly provided for by Law.

[9th August, 1870.]

WHEREAS doubts are entertained whether boards of guardians may in certain cases lawfully pay the expenses incurred in conveying persons chargeable to their union or parish to any other part of England, and it is expedient that provision should be made for removing such doubts :

\* \* \* \* \*

Poor law  
board to  
define cases  
in which  
guardians  
may pay  
expense of  
conveying  
paupers.

1. The poor law board may, by order, define and direct in what cases (other than those expressly provided for by law), and under what regulations, the guardians of any union or parish may pay the reasonable expenses incurred by them in conveying any person chargeable to such union or parish from one place to another in England, and may charge such expenses upon the common fund of the union or other like fund under their control.

Short title  
and inter-  
pretation.

2. This Act may be cited as the Paupers Conveyance (Expenses) Act, 1870, and shall be construed in like manner as the Poor Law Amendment Act, 1834 (a); and the subsequent Acts amending or explaining the same.

### 33 & 34 VICT. CHAP. 75.

AN ACT to provide for public Elementary Education in England and Wales.

[9th August, 1870.]

\* \* \* \* \*

Definition  
of terms.

3. In this Act—

The term “metropolis” means the places for the time being within the jurisdiction of the metropolitan board of works under the Metropolis Management Act, 1855 :

(a) See 4 & 5 Will. 4, c. 76, s. 109; and 5 & 6 Vict. c. 57, s. 18.

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same:

The term "parish" means a place for which for the time being a separate poor rate is or can be made:

The term "person" includes a body corporate:

\* \* \* \* \*

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child (*b*):

\* \* \* \* \*

The term "vestry" means the ratepayers of a parish meeting in vestry according to law (*c*):

The term "ratepayer" includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated (*d*):

\* \* \* \* \*

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the education department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent. Fees of children.

\* \* \* \* \*

25. The school board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent. Payment of school fees.

\* \* \* \* \*

27. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866 (*e*); and upon the election of a school board in a borough, the council of that borough shall cease to have power to contribute under that section. Contribution to industrial schools. 29 & 30 Vict. c. 118.

(*b*) See 43 Eliz. c. 2, s. 6.

(*d*) See 32 & 33 Vict. c. 41, s. 19.

(*c*) See 58 Geo. 3, c. 69, ss. 3, 5; and 16 & 17 Vict. c. 65, s. 1.

(*e*) See 29 & 30 Vict. c. 118, s. 12.

Establish-  
ment of  
industrial  
school.

28. A school board may, with the consent of the education department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866 (*a*), and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's principal secretaries of state in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

\* \* \* \* \*

Officer to  
enforce  
attendance  
at school.

36. Every school board may, if they think fit, appoint an officer or officers to enforce any byelaws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent (*b*), and any expenses incurred under this section may be paid out of the school fund.

\* \* \* \* \*

### *Expenses.*

School fund  
of school.  
board.

53. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act.

Deficiency of  
school fund  
raised out  
of rates.

54. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, notwithstanding any limit under any Act of parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

(*a*) See 29 & 30 Vict. c. 118, s. 5.

(*b*) See *ib.* ss. 14—17.

55. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Apportionment of school fund in united and contributory district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

56. In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board; or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

Remedy of school board on default of rating authority, &c.

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the documents of the rating authority of such place relative to the local rate, and of all the valuation lists and rate books of the parish or parishes comprised in or comprising such place, as he or they may require.

57. Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the education department, spread the payment over several years, not exceeding fifty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding fifty, and if they do not so agree, they shall annually set aside one fiftieth of the sum borrowed as a sinking fund.

Borrowing by school board.

*Accounts and Audit.*

Accounts  
to be made  
up and exa-  
mined.

59. The accounts of the school board shall be made up and balanced to the twenty-fifth of March and twenty-ninth of September in every year. The accounts shall be examined by the school board and signed by the chairman within fourteen days after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

Audit of  
accounts.

60. With respect to the audit of accounts of the school board the following provisions shall have effect :

- (1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by the auditor of such of the said audit districts as the poor law board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the poor law board direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner :
- (2.) The audit shall be held at the office of the school board, or some other place sanctioned by the poor law board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman :
- (3.) The auditor, at least fourteen days before holding the audit, shall serve on the school board, and publish notice of the time and place of holding the same :
- (4.) The clerk of the school board, or some person authorised by the school board, shall attend the audit, and produce to the auditor all books, bills, vouchers, and documents relating to the account :
- (5.) Any ratepayer of the school district may be present at the audit, and may object to the account :
- (6.) The auditor shall, as nearly as may be, have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish ; and any person aggrieved by the decision of the auditor shall

have the like rights and remedies as in the case of such last-mentioned audit (a):

(7.) The auditor shall have the like powers of requiring the attendance of persons, the production of books, bills, vouchers, and documents, and a declaration respecting vouchers and documents, as in the case of such last-mentioned audit; and any person who refuses or neglects to comply with any such requisition, or wilfully makes or signs a false declaration so required, shall be liable to the same penalties as in the case of such last-mentioned audit (b):

(8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit:

(9.) Subject to the provisions of this section, the poor law board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts and the audit thereof.

61. Any member or officer of a school board, or manager appointed by them, who authorises or makes, or concurs in authorising or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum. Penalty for improper payment of surcharge.

62. When the auditor has completed the audit he shall sign the balance sheet. Publication of accounts.

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with such particulars as may be from time to time prescribed by the education department, and shall send the same within thirty days after the balance sheet is signed by the auditor to each member of the rating authority, and to the overseers of every parish in the district, and to the education department: and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

\* \* \* \* \*

79. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in Ascertaining rateable value.

(a) See 7 & 8 Vict. c. 101, ss. 32, ss. 4, 5, 8, 9; and 11 & 12 Vict. 33, 35, 36; 11 & 12 Vict. c. 91, c. 103, ss. 9, 11.

(b) See 7 & 8 Vict. c. 101, s. 33.

the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district; and the overseers and other persons having the custody of such valuation lists and rate book shall, when required by the school board, produce such lists and rate book to the school board, and allow the school board and any person appointed by them to inspect the same, and take copies of or extracts therefrom (a).

Mode of publication of notices. 80. Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published—

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates :

(2.) By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed and at every other place in such district or place at which notices are usually affixed.

Notices may be served by post.

81. Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent, may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

\* \* \* \* \*

Ratepayer may inspect books, &c. of school board.

87. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable on summary conviction, to a penalty not exceeding five pounds for each offence.

\* \* \* \* \*

(a) See 31 & 32 Vict. c. 122, s. 30; and 32 & 33 Vict. c. 67, s. 68.

## FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis -	The school board appointed under this Act.	In the City of London the consolidated rate.	The commissioners of sewers.
		In the parishes mentioned in Schedule A. and the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate.	In the parishes the vestry, and in the districts the district board.
		In places mentioned in Schedule C. to the said Act, the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any Act amending the same.	The masters of the bench, treasurer, governors, or other persons who have the chief control or authority in such place.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate - -	The overseers.

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## THIRD SCHEDULE.

*Proceedings of School Board.*

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6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorised to sign them by a resolution of the board, and countersigned by the clerk; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorised to sign them.

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8. Precepts of the board may be in the form given at the end of this schedule.

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*Form of Precept.*

School district of \_\_\_\_\_ to wit.

To the council [*or* overseers, &c.] of the borough [*or* parish] of . These are to require you, the council [*or* overseers] of the borough [*or* parish] of , from and out of the moneys in the hands of your treasurer [*or* your hands], to pay on or before the day of into the hands of A. B., treasurer of the school board of the said district, the sum of being the amount required for the expenses of the said school board up to the of 18 ; and if there are no moneys in the hands of your treasurer [*or* your hands] to raise the same by means of a rate.

(Signed) *C. D.*, } Members of the school board of  
*E. F.*, } the district of \_\_\_\_\_.

*G. H.*, clerk of the said school board.

\* \* \* \* \*

## 33 &amp; 34 VICT. CHAP. 77.

AN ACT to amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries. [9th August, 1870.]

\* \* \* \* \*

### Definition of terms.

5. In this Act—

The term "overseers" shall include churchwardens (a), and the term "quarter sessions" shall include general sessions: The word "juror" shall mean male persons only (b).

Qualification  
of special  
jurors.

6. Every man whose name shall be in the jurors' book for any county in England or Wales, or for the county of the city of London, and who shall be legally entitled to be called an esquire, or shall be a person of higher degree, or shall be a banker or merchant, or who shall occupy a private dwelling house rated or assessed to the poor rate or to the inhabited house duty on a value of not less than one hundred pounds in a town containing, according to the census next preceding the preparation of the jury list, twenty thousand inhabitants and upwards, or rated or assessed to the poor rate or to the inhabited house duty on a value of not less than fifty pounds elsewhere, or who shall occupy premises other than a farm rated or assessed as aforesaid on a value of not less than one hundred pounds, or a farm rated or assessed as aforesaid on a value of not less than three hundred pounds, shall be qualified and liable to serve on special juries in every such county in England and Wales, and in London respectively.

(a) See 43 Eliz. c. 2, s. 1.

(b) See 13 Vict. c. 21, s. 4.

7. So much of the said first section of the County Juries Act, 1825 (c), as relates to the qualification of persons as jurors in Wales is hereby repealed, and it is hereby enacted, that the qualification of persons as jurors in Wales shall be the same as the qualification of persons as jurors in England.

Qualification  
of jurors in  
Wales.

8. Aliens having been domiciled in England or Wales for ten years or upwards, if in other respects duly qualified, shall be qualified and shall be liable to serve on juries or inquests in England and Wales as if they had been natural-born subjects of the Queen; but, save as aforesaid, no man not being a natural-born subject of the Queen shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever.

Aliens to be  
qualified after  
ten years  
domicile, but  
not otherwise.

9. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

Persons ex-  
empt from  
serving on  
juries.

The persons described in the schedule hereto shall be severally exempt as therein specified from being returned to serve and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but, save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding (d).

10. Provided always, and it is hereby enacted, that no man who has been or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry, is or shall be qualified to serve on juries or inquests in any court or on any occasion whatsoever (e).

Convicts  
(exception),  
outlaws, &c.  
disqualified.

11. In making out the lists of persons within their respective parishes and townships qualified to serve as jurors, the overseers shall specify which of such persons are, in the judgment of such overseers, qualified as special jurors, and shall also specify in every case the nature of the qualification and also the occupation and the amount of the rating or assessment of every such person.

Overseers to  
specify special  
jurors in list.

12. No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption other than illness not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

Disqualifica-  
tion or exemp-  
tion to be  
pleaded before  
revision of list.

13. If any overseer, without reasonable excuse to be allowed by the justice or justices having cognizance of the case, insert in the list of persons qualified to serve as jurors prepared by him the name of any person whose name ought not to have been inserted therein, or omit therefrom the name of any person whose name ought not to have been omitted, he shall, on sum-

Penalty on  
overseer for  
negligence.

(c) See 6 Geo. 4, c. 50, s. 1.

(d) See 1 Vict. c. 22, s. 18; and 34 & 35 Vict. c. 103, s. 30.

(e) See 33 & 34 Vict. c. 23, s. 2.

Justices to  
certify jury  
lists after  
revision.

mary conviction, be liable to a penalty for each offence not exceeding forty shillings.

14. Upon completing the revision of the jury lists, the justices at petty sessions shall certify in writing that they have examined such lists and that the same are, to the best of their knowledge and belief, true and proper lists of the special and common jurors; and the decision of such justices as to the qualifications of persons marked as special jurors in the lists so revised by them shall, as respects those lists, be final.

\* \* \* \* \*

## SCHEDULE (a).

### PERSONS EXEMPT FROM SERVING ON JURIES.

Peers.

Members of parliament.

Judges.

Clergymen.

Roman Catholic priests.

Ministers of any congregation of Protestant dissenters and of Jews whose place of meeting is duly registered, provided they follow no secular occupation except that of a schoolmaster.

Serjeants, barristers-at-law, certificated conveyancers, and special pleaders, if actually practising.

Members of the Society of Doctors of Law and advocates of the civil law, if actually practising.

Attornies, solicitors, and proctors, if actually practising and having taken out their annual certificates, and their managing clerks, and notaries public in actual practice.

Officers of the courts of law and equity, and of the Admiralty and Ecclesiastical Courts, including therein the Courts of Probate and Divorce, and the clerks of the peace or their deputies, if actually exercising the duties of their respective offices.

Coroners.

Gaolers and keepers of houses of correction, and all subordinate officers of the same.

Keepers in public lunatic asylums.

Members and licentiates of the Royal College of Physicians in London, if actually practising as physicians.

Members of the Royal Colleges of Surgeons in London, Edinburgh, and Dublin, if actually practising as surgeons.

Apothecaries certificated by the Court of Examiners of the Apothecaries Company, and all registered medical practitioners and registered pharmaceutical chemists, if actually practising as apothecaries, medical practitioners, or pharmaceutical chemists respectively.

Officers of the navy, army, militia, and yeomanry, while on full pay.

The members of the Mersey Docks and Harbour Board.

The master, wardens, and brethren of the Corporation of Trinity House of Deptford Strond.

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations, and all pilots licensed under any Act of parliament or charter for the regulation of pilots.

The household servants of Her Majesty, her heirs and successors.

Officers of the Post Office, commissioners of customs, and officers, clerks, or other persons acting in the management or collection of the customs, commissioners of Inland Revenue, and officers or persons appointed by the commissioners of Inland Revenue or employed by them or under their authority or direction in any way relating to the duties of Inland Revenue (*b*).

Sheriffs officers.

Officers of the rural and metropolitan police.

Magistrates of the metropolitan police courts, their clerks, ushers, doorkeepers, and messengers.

Members of the council of the municipal corporation of any borough, and every justice of the peace assigned to keep the peace therein, and the town clerk and treasurer for the time being of every such borough, so far as relates to any jury summoned to serve in the county where such borough is situate.

Burgesses of every borough in and for which a separate court of quarter sessions shall be holden so far as relates to any jury summoned for the trial of issues joined in any court of general or quarter sessions of the peace in the county wherein such borough is situate.

Justices of the peace so far as relates to any jury summoned to serve at any sessions of the peace for the jurisdiction of which he is a justice.

Officers of the Houses of Lords and Commons.

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### 33 & 34 VICT. CHAP. 93.

AN ACT to amend the Law relating to the Property of Married Women.  
[9th August, 1870.]

\* \* \* \* \*

13. Where in England the husband of any woman having Married separate property becomes chargeable to any union or parish, the justices having jurisdiction in such union or parish may, in Married woman to be liable to the parish for

(*b*) See 7 & 8 Geo. 4, c. 53, s. 11; and 34 & 35 Vict. c. 103, s. 30.

the main-  
tenance of  
her husband.

petty sessions assembled, upon application of the guardians of the poor issue a summons against the wife, and make and enforce such order against her for the maintenance of her husband as by the thirty-third section of "The Poor Law Amendment Act, 1868" (*a*), they may now make and enforce against a husband for the maintenance of his wife who becomes chargeable to any union or parish. \* \* \*

Married  
woman to  
be liable  
to the parish  
for the main-  
tenance of  
her children.

14. A married woman having separate property shall be subject to all such liability for the maintenance of her children as a widow is now by law subject to for the maintenance of her children (*b*): Provided always, that nothing in this Act shall relieve her husband from any liability at present imposed upon him by law to maintain her children.

\* \* \* \* \*

### 33 & 34 VICT. CHAP. 94.

AN ACT to provide for Superannuation Allowances to Medical Officers of Unions, Districts, and Parishes in England and Wales.  
[9th August, 1870.]

WHEREAS it is expedient that provision should be made to enable superannuation allowances to be granted to medical officers of unions, districts, and parishes in England and Wales, who become disabled, either by infirmity or age, to discharge the duties of their offices :

\* \* \* \* \*

Power to  
guardians,  
with consent  
of poor  
law board,  
to grant  
superannua-  
tion allow-  
ance to  
medical  
officers in  
certain cases.

1. The board of guardians of any union or parish, and the board of management of any district, may, at their discretion, with the consent of the poor law board, grant to any medical officer of such union, district, or parish an annual allowance, under and subject to the provisions of the Act to provide for superannuation allowances to officers of the unions, passed in the twenty-seventh and twenty-eighth year of the reign of Her Majesty, chapter forty-two (*c*), notwithstanding such medical officer shall not have devoted his entire time to the services of the union, district, or parish, and such allowance shall be paid out of the common fund of the union or district, or out of the poor rate of the parish, as the case may require, exclusively, and no contribution shall be made thereto out of any moneys voted by parliament.

No allowance  
to be allowed  
without a  
certificate of  
inspector.

2. No allowance shall be obtained by any officer under this Act on the ground of permanent infirmity of mind or body unless a poor law inspector, or some person in that behalf authorized by the poor law board, shall have first certified that in his

(*a*) See 31 & 32 Vict. c. 122, s. 33.

(*b*) See 43 Eliz. c. 2, s. 7; and 4 & 5 Will. 4, c. 76, s. 56.

(*c*) See 27 & 28 Vict. c. 42, s. 1.

opinion such officer has by reason of such infirmity become incapable of performing the duties of his office with efficiency.

3. This Act may be called "The Medical Officers Superannuation Act, 1870," and shall be construed in like manner as in the Poor Law Amendment Act, 1834, and the subsequent Acts extending or amending the same.

Short title.  
Construction  
of Act.

### 33 & 34 VICT. CHAP. 97.

AN ACT for granting certain Stamp Duties in lieu of Duties of the same kind now payable under various Acts, and consolidating and amending provisions relating thereto.

[10th August, 1870.]

\* \* \* \* \*

3. From and after the commencement of this Act, and subject to the exemptions contained in the schedule to this Act, and in any other Acts for the time being in force, there shall be charged for the use of Her Majesty, her heirs and successors, upon the several instruments specified in the schedule to this Act, the several duties in the said schedule specified, and no other duties (d).

Grant of  
duties in  
schedule.

#### *As to Instruments of Apprenticeship.*

39. Every writing relating to the service or tuition of any apprentice, clerk, or servant placed with any master to learn any profession, trade, or employment, (except articles of clerkship to attorneys and others hereby specifically charged with duty,) is to be deemed an instrument of apprenticeship.

Interpretation  
of term.

40. The full sum of money, and the value of any other matter or thing, paid, given, or assigned, or secured to be paid, given, or assigned, to or for the benefit of the master with or in respect of any apprentice, clerk, or servant, (not being a person bound to serve in order to admission in any court,) is to be fully and truly set forth in an instrument of apprenticeship; and if any such sum, or other matter or thing, be paid, given, assigned, or secured as aforesaid, and no such instrument be made, or if any such instrument be made, and such sum, or the value of such other matter or thing, be not set forth therein as aforesaid, the master, and also the apprentice himself, if of full age, and any other person being a party to the contract, or by whom any such sum, or other matter or thing, is paid, given, assigned, or secured, shall forfeit the sum of twenty pounds, and the contract, and the instrument (if any) containing the same, shall be null and void.

Premium or  
consideration  
to be set out  
in writing.

Penalty,  
20*l.*, and the  
contract to  
be void.

\* \* \* \* \*

## SCHEDULE.

## APPRENTICESHIP, instrument of.

Where there is no premium or consideration - 0 2 6  
In any other case—

For every 5*l.*, and also for any fractional part of  
5*l.*, of the amount or value of the premium  
or consideration - - - - - 0 5 0

*Exemptions.*

- (1.) Instrument relating to any poor child ap-  
prenticed by, or at the sole charge of, any  
parish or township, or by or at the sole  
charge of any public charity, or pursuant  
to any Act for the regulation of parish  
apprentices (*a*).  
\* \* \* \* \*

## 34 VICT. CHAP. 11.

AN ACT to make further provision in reference to Loans ob-  
tained under the Poor Law Acts. [24th April, 1871.]

WHEREAS under the Poor Law Amendment Act, 1834, and the subsequent Acts amending and extending the same, boards of guardians and boards of management respectively have been and are empowered to borrow money for the purposes of the unions, parishes, and districts for which they act, to be repaid by annual instalments within a certain period, which by the Poor Law Amendment Act, 1868, and the Union Loans Act, 1869, has been settled at thirty years :

And whereas several boards of guardians and boards of management had contracted loans prior to the passing of the said Act of one thousand eight hundred and sixty-nine, and it is desirable that they should be empowered to avail themselves of the provisions therein contained in this respect, and that all boards of guardians and boards of management should have the additional power in relation to loans heretofore or hereafter to be contracted, herein set forth :

\* \* \* \* \*

Boards of  
guardians  
and manage-  
ment who  
have bor-  
rowed money  
before

1. Where any board of guardians (*b*) or board of manage-  
ment (*c*) shall, under the order of the poor law board, have con-  
tracted any loan before the passing of the Union Loans Act,  
1869, to be repaid by annual instalments not exceeding twenty,  
and the same shall not have been wholly repaid at the passing  
of this Act, such board of guardians or board of management,

(*a*) See 28 & 29 Vict. c. 79, s. 1.

(*b*) See 30 Vict. c. 6, s. 17.

(*c*) See 4 & 5 Will. 4, c. 76, ss. 24, 25.

as the case may be, may, with the consent of the person or persons legally entitled to receive the repayment of such loan, and with the approval of the poor law board, extend the time for the repayment of the outstanding balance of the said loan for such a period as would have elapsed if the loan had been originally granted for a period not exceeding thirty years, and make such extension either by an indorsement on the security executed by them or by a separate deed; and the charge originally created as thus extended shall continue to be a valid charge on the fund charged with the repayment at the time of the passing of this Act, and all exemptions and privileges to which the original charge was entitled shall apply to this extension (d):

Provided that where several loans shall have been obtained from the same person or persons, and they are redeemed at the same time, the balances may be consolidated; and if a new loan be obtained the whole may be repaid within thirty years of the time at which the latest loan was contracted (e).

2. If any guardians or managers having borrowed or hereafter borrowing money under the authority of the Acts referred to shall be able at any time to obtain a loan at a lower rate of interest than that secured by the charge previously made by them, they may apply to the poor law board for an order to enable them to redeem the balance of the loan, and to borrow so much money as may be necessary for that purpose; and if the said board shall issue their order in that behalf the said guardians or managers may borrow the requisite amount to redeem such balance, and charge the fund to which the original loan was charged with the repayment of this additional loan in so many instalments as shall be outstanding at the time when the loan is redeemed, but not more:

Provided that in the event of any loan outstanding at the time of the passing of this Act, no such redemption shall take place without the consent of the person or persons to whom the loan shall be owing.

3. Loans may be repaid by half-yearly instalments, and where they may have been contracted to be repaid by annual instalments, they may, with the consent of the lenders, be repaid by half-yearly instalments of the principal and interest.

4. This Act may be cited as the Poor Law Loans Act, 1871.

5. The words herein contained shall be construed as in the said Poor Law Amendment Act, 1834, and the Acts amending and extending the same (f).

31 & 32 Vict.  
c. 122 em-  
powered to  
extend time  
for repay-  
ment of loans.

Boards of  
guardians  
and managers  
empowered to  
borrow  
money at  
lower rate of  
interest to  
redeem secu-  
rity at a  
higher rate.

Proviso.

Half-yearly  
payments  
may be made  
of annual  
instalments.

Short title.

Construction  
of terms.

(d) See 32 & 33 Vict. c. 45, s. 5.

(e) See 35 Vict. c. 2.

(f) See 4 & 5 Will. 4, c. 76, s. 109.

## 34 VICT. CHAP. 15.

An Act to amend The Metropolitan Poor Act, 1867.

[25th May, 1871.]

WHEREAS it is expedient to amend The Metropolitan Poor Act, 1867.

\* \* \* \* \*

The provisions of 30 & 31 Vict. c. 6, &c., applicable to buildings extended to other subjects.

1. All the provisions of the said Act, as amended by the subsequent Act of 1869, which relate to the procuring of any buildings for the purpose of an asylum under that Act (*a*) shall apply to any ship (*b*), vessel, hut, tent, or other temporary erection which may be used by the managers, with the approval of the poor law board, for the reception of paupers, or otherwise for the purposes of the asylum, whether the same shall have been acquired or used prior to the passing of this Act, or shall be acquired or used hereafter; and such ship, vessel, hut, tent, or other temporary erection shall for all the purposes of the first mentioned Act be deemed to be an asylum specially provided under it.

Act incorporated with above recited Act.

2. This Act shall be construed as and shall be taken to be incorporated with the said Metropolitan Poor Act, 1867 (*c*).

## 34 VICT. CHAP. 16.

AN ACT to amend the Act of the second and third years of William the Fourth, chapter seventy-five, for regulating Schools of Anatomy. [25th May, 1871.]

WHEREAS it is expedient to amend the Act of the session of the second and third years of King William the Fourth, chapter seventy-five, "for regulating Schools of Anatomy:"

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

Construction and short title.

1. This Act shall be construed as one with the recited Act, and the recited Act and this Act may be cited as the Anatomy Acts, 1832 and 1871, and each of them may be cited as the Anatomy Act of the year in which it was passed.

(*a*) See 30 Vict. c. 6, s. 15.

(*b*) See 32 & 33 Vict. c. 63, s. 11.

(*c*) See 30 Vict. c. 6, s. 2.

2. It shall be lawful for one of Her Majesty's principal secretaries of state in that part of the United Kingdom called Great Britain, \* \* \* from time to time, by order, to vary the period limited by section thirteen of the recited Act as the time within which certificates of interment are to be transmitted to the inspectors of districts.

Power to secretary of state to vary period for transmission of certificates of interment to district inspectors.

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34 & 35 VICT. CHAP. 47.

AN ACT for amending the Acts regulating the borrowing of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [13th July, 1871.]

\* \* \* \* \*

17. The board may lend to the managers of the metropolitan asylum district, in addition to the sum authorized by section thirty-seven of the principal Act (*d*), to be lent, such further sum as the managers may be authorized by the poor law board in pursuance of the Acts mentioned in that section, to borrow not exceeding in the whole one hundred thousand pounds; and section thirty-seven of the principal Act shall be construed as if six hundred thousand pounds were therein substituted for five hundred thousand pounds.

Extension of amount of loans by board to managers of metropolitan asylum district.

\* \* \* \* \*

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34 & 35 VICT. CHAP. 66.

AN ACT to amend and define the Law relating to Private Chapels, and to Chapels belonging to Colleges, Schools, Hospitals, Asylums, and other public institutions.

[14th August, 1871.]

WHEREAS it is expedient to amend the law relating to certain chapels :

\* \* \* \* \*

1. The bishop of the diocese within which any chapel belonging to any college, school, hospital, asylum, or public or charitable institution is situated, whether consecrated or unconsecrated, may license a clergyman of the Church of England to serve such chapel and administer therein the Sacrament of the Lord's Supper, and perform such other offices and services of the Church of England as shall be specified in such license, provided that the bishop shall not include in any such license and revoke the solemnization of marriage, and may, if he think fit, revoke the same at any time.

Bishop may license clergyman of Church of England to certain private chapels ;

(*d*) See 32 & 33 Vict. c. 102, s. 47.

Status of  
minister, and  
saving of  
rights of  
incumbent.

2. The minister officiating in such chapel shall, with respect to the performance of the offices and services of the church specified in such license, be subject to no control or interference on the part of the incumbent of the parish or district in which such chapel is situate; but nothing herein contained shall prejudice or affect the right of such incumbent to the entire cure of souls throughout such parish or district elsewhere than within such institution and the chapel thereof.

Offertory.

3. The offertory and alms collected at any chapel subject to the provisions of this Act shall be disposed of as the minister thereof shall determine, subject to the direction of the ordinary.

Short title.

4. This Act may be cited as "The Private Chapels Act, 1871."

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### 34 & 35 VICT. CHAP. 70.

AN ACT for constituting a Local Government Board, and vesting therein certain functions of the Secretary of State and Privy Council concerning the Public Health and Local Government, together with the powers and duties of the Poor Law Board.  
[14th August, 1871.]

WHEREAS it is expedient to concentrate in one department of the government as hereinafter provided the supervision of the laws relating to the public health, the relief of the poor, and local government.

\* \* \* \* \*

#### *Preliminary.*

Short title.

1. This Act may be cited as "The Local Government Board Act, 1871."

#### *Establishment of Local Government Board.*

Establishment  
of local  
government  
board.

2. A board shall be established, to be called the local government board, and from and after the establishment of such board the poor law board (*a*) shall cease to exist, and all powers and duties vested in or imposed on the poor law board by the several Acts of parliament relating to the relief of the poor and any other Acts, or vested in or imposed on one of Her Majesty's principal secretaries of state by the enactments in that behalf mentioned in the first part of the schedule annexed hereto, so far as such powers and duties relate to England, or vested in or imposed on Her Majesty's most honourable privy council by

(*a*) See 4 & 5 Will. 4, c. 76, s. 2; and 10 & 11 Vict. c. 109, s. 1.

the enactments in that behalf specified in the second part of the said schedule, shall be transferred to and imposed on the said local government board, and, except as otherwise provided by this Act, shall be exercised and performed by such board in like manner and form, and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit (*b*).

3. The local government board shall consist of a president to be appointed by Her Majesty, and to hold office during the pleasure of Her Majesty, and of the following *ex officio* members, that is to say, the lord president of Her Majesty's most honourable privy council, all Her Majesty's principal secretaries of state for the time being, the lord privy seal, and the chancellor of the exchequer.

Constitution of local government board.

The local government board shall be deemed to be established from and after the date of the first appointment of a president under this Act (*c*).

The local government board may appoint in writing such secretaries, assistant secretaries, inspectors, auditors (*d*), clerks, messengers, and other officers as the board may, with the sanction of the treasury, determine (*e*).

No payment shall be made in respect of their duties under this Act to the *ex officio* members of the local government board, but there shall be paid out of moneys provided by parliament to the president, secretaries, and other officers of the board such salaries as the treasury may from time to time determine: Provided, that the appointment of any officer to a new office made by the local government board in pursuance of this section shall be deemed to be temporary only until the salary of such office has been provided for by parliament.

4. The president and one of the secretaries of the local government board shall at the same time be capable of being elected to and of voting in the Commons House of Parliament, and the office of president shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867 (*f*): in Schedule H. of the Representation of the People (Scotland) Act, 1868 (*g*): and in Schedule E. of the Representation of the People (Ireland) Act, 1868 (*h*).

President and one of the secretaries may sit in parliament.

(*b*) See 4 & 5 Will. 4, c. 76, s. 5; and 10 & 11 Vict. c. 109, s. 13.

(*c*) The Right Honourable James Stansfeld was appointed president of the local government board on the 19th August, 1871; and John Lambert, Esq., C. B., permanent secretary on the 31st August, 1871. See *ante*, pp. 864, 865, for the officers of the poor law board continued as officers

of the local government board, namely:—Mr. Fleming, Mr. Herbert, Mr. Lumley, and Mr. Fletcher; also Mr. Glen.

(*d*) See 7 & 8 Vict. c. 107, s. 32; and 31 & 32 Vict. c. 122, s. 24.

(*e*) See 10 & 11 Vict. c. 109, s. 6.

(*f*) See 30 & 31 Vict. c. 102, s. 52.

(*g*) See 31 & 32 Vict. c. 48, s. 51.

(*h*) See 31 & 32 Vict. c. 49, s. 11.

Seal, style,  
and acts of  
board.

5. The local government board may adopt an official seal (*a*), and describe themselves generally by the style and title of "the Local Government Board," and, save as hereinafter provided, any act to be done or instrument to be executed by or on behalf of the local government board may be done or executed in the name of that board by the president or by any member of the local government board, or by a secretary or assistant secretary, if such secretary or assistant secretary is authorized to do or execute the same by any general order (*b*) of the local government board.

A rule, order, or regulation made by the local government board shall be valid if it is made under the seal of the board, and signed by the president or one of the *ex-officio* members of the board, and countersigned by a secretary or assistant secretary (*c*); and the production of such *prima facie* evidence of any of the said rules, orders, or regulations as is required by the Documentary Evidence Act, 1868, with respect to the rules, orders, or regulations of the poor law board, shall, until the contrary is shown, be a sufficient proof that any such rule, order, or regulation of the local government board was duly made (*d*).

Transfer of  
officers.

6. All officers, clerks, and other persons employed in or about the execution of the powers and duties by this Act transferred to the local government board shall, from and after the establishment of the local government board, be attached to and under the control of the local government board.

The officers, clerks, and persons so attached shall in other respects hold their offices and places upon the same terms and conditions, and shall have the same powers, privileges, and immunities with respect to the performance of their duties as if this Act had not passed.

The local government board may, by order, distribute the business to be performed under the local government board amongst the several officers and persons transferred to the board by this Act in such manner as the local government board may think expedient.

Construction  
of Acts and  
documents,  
and power  
of local  
government  
board.

7. In the construction of and for the purposes of any Act of parliament, contract, or other document passed, entered into, or made before the establishment of the local government board, but so far only as may be necessary for exercising the powers and discharging the duties by this Act transferred to and imposed on the local government board, the name of such board shall, according to circumstances, be deemed to be substituted for the poor law board, one of Her Majesty's principal secretaries of state, or Her Majesty's most honourable privy council, as the case may require; and any act or thing which might, if this Act had not passed, have been done by the poor law board, or by one of Her Majesty's principal secre-

(*a*) See 4 & 5 Will. 4, c. 76, s. 3; 10 & 11 Vict. c. 109, ss. 14, 15; and  
and 10 & 11 Vict. c. 109, s. 5. 31 & 32 Vict. c. 122, s. 1.

(*b*) See 10 & 11 Vict. c. 109, s. 15. (*d*) See 31 & 32 Vict. c. 37, s. 2 (3).

(*c*) See 4 & 5 Will. 4, c. 76, s. 15;

aries of state, or by Her Majesty's most honourable privy council, so far as relates to the powers and duties hereby transferred, may be done by the local government board.

8. Where under an Act, whether passed before or after the passing of this Act, any return relative to any rate, toll, tax, or due raised in England (other than such as is raised for the public revenue of the United Kingdom) is required to be sent to one of Her Majesty's secretaries of state or any other department of the government, a duplicate of such return shall in like manner be sent to the local government board, and any person failing to send the same shall be subject to the like penalties as a person neglecting to send any return under the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter fifty-one.

Duplicate  
returns to be  
sent to local  
government  
board.

### SCHEDULE referred to in the foregoing Act.

#### PART I.

#### *Powers and Duties of Secretary of State.*

Subject.	Act.
Registration of Births, Deaths, and Marriages - - - - -	6 & 7 W. 4, c. 86. 7 W. 4 & 1 Vict. c. 22
Public Health - - - - -	11 & 12 Vict. c. 63.
Local Government - - - - -	21 & 22 Vict. c. 98. 24 & 25 Vict. c. 61. 26 & 27 Vict. c. 17.
Drainage. Sanitary Matters - - -	28 & 29 Vict. c. 75. 29 & 30 Vict. c. 90. 30 & 31 Vict. c. 113. 31 & 32 Vict. c. 115. 32 & 33 Vict. c. 100.
Baths and Wash-houses - - - -	9 & 10 Vict. c. 74. 10 & 11 Vict. c. 61.
Public Improvements - - - - -	23 & 24 Vict. c. 30.
Towns Improvement - - - - -	10 & 11 Vict. c. 34.
Artizans and Labourers Dwellings -	31 & 32 Vict. c. 130.
Returns. Local Taxation - - - -	23 & 24 Vict. c. 51. And any Acts amending the said Acts, and con- ferring powers on the said Secretary of State.

## PART II.

*Powers and Duties of Privy Council.*

Subject.	Act.
Prevention of Disease - - -	11 & 12 Vict. c. 63. 18 & 19 Vict. c. 116. Sections one, three, five, and six of 21 & 22 Vict. c. 97. 22 & 23 Vict. c. 3. 23 & 24 Vict. c. 77. 29 & 30 Vict. c. 90. 31 & 32 Vict. c. 115.
Vaccination - - - - -	30 & 31 Vict. c. 84. And any Acts amending the said Acts, and con- ferring powers on the said Privy Council.

## 34 &amp; 35 VICT. CHAP. 90.

AN ACT to amend the Law relating to the Union of Benefices.  
[21st August, 1871.]

\* \* \* \* \*

One church  
to be the  
parish church  
of an united  
or separate  
benefice.

3. Where two or more benefices are united, or two or more portions of the same benefice, or of different benefices, are constituted a separate benefice, and held by one incumbent, and there are more churches than one situate within the limits of such united or separate benefice, it shall be lawful for the bishop of the diocese, upon the application and with the consent in writing of the incumbent and patron or patrons of the benefice, and with the consent of two-thirds of the parishioners within the limits of such united or separate benefice in vestry assembled, by a faculty from his consistorial court, to decree that one of such churches shall henceforth be constituted the parish church of such united or separate benefice, and that any other church or churches within the limits of such united or separate benefice may be either wholly or partly pulled down or suffered to remain standing or still be used for the purposes of divine service, either as a chapel or chapels of ease to the parish church or otherwise, or be converted into a mortuary

chapel or mortuary chapels; and the vestey room of the church so constituted the parish church shall be held to be the vestry room of the parishes or places constituting such united or separate benefice for the use of the parishioners thereof (a). \* \* \*

34 & 35 VICT. CHAP. 98.

AN ACT to amend the Vaccination Act, 1867.  
[21st August, 1871.]

\* \* \* \* \*

*Preliminary.*

- 1. This Act may be cited as “The Vaccination Act, 1871.” Short title.
- 2. This Act, except as hereinafter expressly provided, and except so far as relates to the formation of any districts, or the making of any rules, orders, or regulations, shall come into operation on the first day of January one thousand eight hundred and seventy-two, which day is in this Act referred to as the commencement of this Act. Commencement of Act.
- 3. This Act shall be construed as one with the Vaccination Act of 1867, in this Act referred to as the principal Act, and those Acts and this Act may be cited together as “The Vaccination Acts, 1867 and 1871.” Construction of Act.
- 4. In this Act the term “parent” (b) includes any person having the custody of a child. Definition of parent.”

*Vaccination Officer.*

- 5. Whereas under the principal Act the guardians of any union or parish may pay any officer appointed by them to prosecute persons charged with offences against that Act or otherwise to enforce its provisions, and it is expedient to render obligatory the appointment of such an officer: Be it enacted that the guardians of every union and parish shall appoint and pay one or more of such officers (in this Act referred to as “vaccination officers”) (c). Appointment of vaccination officer.
- The provisions of the principal Act with respect to the division of unions and parishes into vaccination districts (d) shall extend to authorise the division of such unions or parishes into districts for the purpose of the duties of vaccination officers,

(a) See 13 & 14 Vict. c. 57. (c) See 30 & 31 Vict. c. 84, s. 28.  
(b) See 30 & 31 Vict. c. 84, ss. 12, (d) See ib. ss. 2, 3.  
16, 17, 18, 19, 20, 21, 22, 23, 26, 29,  
30, 31, 35.

so however that a district of one vaccination officer shall (unless the poor law board (a) otherwise direct) coincide either with a vaccination district or districts under the principal Act or with a district or districts of a registrar of births and deaths.

Subject to the provisions of this Act, the poor law board (a) shall have the same powers with respect to guardians and vaccination officers in matters relating to vaccination as they have with respect to guardians and officers of guardians in matters relating to the relief of the poor (b), and may make rules, orders, and regulations accordingly, and all enactments relating to such powers, and to such orders, rules, and regulations, shall apply *mutatis mutandis*; and the poor law board (a) shall also from time to time frame, provide, and distribute appropriate books and forms for the use of vaccination officers, public vaccinators, and medical practitioners under the principal Act and this Act.

Duties of  
vaccination  
officer.

6. The vaccination officer shall perform all the duties imposed by the principal Act on the registrar of births and deaths, except the duty of giving the notices mentioned in section fifteen of the principal Act, and the principal Act shall be construed as if the words "vaccination officer" were substituted for the words "registrar of births and deaths" throughout that Act, except section fifteen and any other part of that Act relating to that section, and except that all fees received by the vaccination officer as such shall be accounted for to the guardians and paid to the fund out of which the expenses of the guardians under the principal Act are paid.

Transmission  
of certificates  
to vaccination  
officer.

7. Every certificate of a child being unfit for or insusceptible of successful vaccination if given by a public vaccinator shall, instead of being delivered by him to the parent, be transmitted by such public vaccinator, and if given by any other medical practitioner shall be transmitted by the parent of such child, to the vaccination officer, in like manner as if it was a certificate of successful vaccination, and within seven days after the examination of the child upon which such certificate is founded, and the public vaccinator shall, upon request, and without fee or charge, deliver to the parent a duplicate of any such certificate transmitted by him.

Every certificate of successful vaccination shall be transmitted within seven days after it is ascertained that the operation has been successfully performed; and where a medical practitioner who is not a public vaccinator inspects a child to ascertain the result of the operation of vaccination, such medical practitioner, as soon as he has ascertained that the operation has been successfully performed, shall deliver to the parent causing the child to be vaccinated a certificate of successful vaccination, in the proper form, and duly filled up and signed by him.

(a) See 34 & 35 Vict. c. 70.

(b) See 4 & 5 Will. 4, c. 76, s. 46.

Every person who acts in contravention of or fails to comply with any provision of this section shall be liable on summary conviction to a penalty not exceeding twenty shillings ; and every person who wilfully signs a false certificate or duplicate under this section shall be guilty of a misdemeanor, and be liable to fine or to imprisonment with or without hard labour for a period not exceeding two years.

No fee shall be payable for the registration of any certificate of vaccination under the principal Act or this Act.

8. Every registrar of births and deaths for any place shall, once at least in every month, transmit, by post or otherwise, to each vaccination officer whose district is wholly or partly comprised in such place, a return, certified under the hand of the registrar to be a true return, of all births and of all deaths of infants under twelve months of age which have, since the date of the last return (or in the case of the first return, since the passing of this Act), been registered by such registrar as having occurred in the district of the vaccination officer to whom the return is sent.

Transmission to vaccination officer of list of births and deaths.

The registrar shall, whether he is or is not also the vaccination officer, be entitled to a fee of twopence for every birth or death entered in such return ; and such fee shall be paid to him out of the same funds and by the same persons, and in the like manner as the fees for giving the notices under section fifteen of the principal Act.

The returns under this section shall be made in such form and contain such particulars as may be from time to time prescribed by the registrar general of births and deaths in England, with the approval of the poor law board ; and forms necessary for such purpose and for the purpose of the principal Act shall be supplied by the said registrar general to every registrar of births and deaths.

9. Where the operation of re-vaccinating any person is performed on the application of such person, by the public vaccinator without charge to such person, the public vaccinator shall deliver to such person a notice requiring him to attend at the same place on the same day in the following week, in order that he may be inspected and the result of the operation ascertained, and stating that in default he will be liable as in this section mentioned, and the public vaccinator, if required, shall deliver to the person re-vaccinated a certificate of the result of the operation of re-vaccination ; and if such person fail to comply with such notice or to permit the public vaccinator or his deputy to ascertain the result of the operation, he shall pay a fee for such re-vaccination of two shillings and sixpence, which fee shall be a debt due from him to the guardians of the union or parish in which such public vaccinator acts, and all such fees shall be paid to and all expenses of the guardians incurred under this section shall be paid out of the fund out of which the expenses of the guardians under the principal Act are paid.

Payment of fee by re-vaccinated person where not inspected.

*Penalties.*

Penalty for preventing vaccinator from taking lymph.

Amendment of legal proceedings for penalties.

10. Every person who prevents any public vaccinator from taking from any child lymph as provided by section seventeen of the principal Act shall be liable, on summary conviction, to pay a penalty not exceeding twenty shillings.

11. Proceedings under section thirty-one of the principal Act may be taken and proceeded with with respect to any child who is not within the union or parish for which a vaccination officer acts, if either the child or its parent was within such union or parish at the time of the information being given by such vaccination officer.

Where any parent of a child fails to produce such child when required so to do by any summons under the principal Act, such parent shall be liable on summary conviction to a penalty not exceeding twenty shillings.

Any complaint may be made and any information laid for an offence under the Vaccination Acts, 1867 and 1871, at any time not exceeding twelve months from the time when the matter of such complaint or information arose and not subsequently.

Where a person is charged with the offence of neglecting to take or cause to be taken any child to be vaccinated, and on the defence made by such person it appears to the justices having cognizance of the case that such person is not guilty of such offence but has been guilty of the offence of not transmitting any certificate required by the principal Act or this Act with respect to the vaccination of such child, the justices may convict such person of the last-mentioned offence in like manner as if he had been charged therewith.

The defendant in any proceedings under the principal Act or this Act, may appear by any member of his family or any other person authorized by him in this behalf.

*Miscellaneous.*

Certificate of successful vaccination.

12. Where it appears to the public vaccinator of any district, upon personal examination of any child resident in such district who has not been successfully vaccinated by him, that such child has been successfully vaccinated, the public vaccinator may, on the request of the parent of such child, grant a certificate to that effect, and such certificate shall be transmitted and have the same effect as if it were a certificate of successful vaccination by the public vaccinator who gave the certificate.

Vaccination by poor law medical officer of persons in the house with a person ill of small-pox.

13. Where the medical officer of any board of guardians is in attendance as such medical officer upon a person sick of small-pox, and vaccinates any person who is resident in the same house with the sick person and has never been vaccinated or had the small-pox, or re-vaccinates any person who is resident in the same house with the sick person and has never been re-vaccinated, and is of the age at which successful re-

vaccination by a public vaccinator is paid for under the regulations of the lords of Her Majesty's council for the time being in force, such medical officer shall, upon transmitting the same certificates as he would be required to transmit if he were the public vaccinator for the district, be entitled to be paid in respect of every such case of vaccination and re-vaccination the same sum out of the same fund as he would be entitled to receive if he were the public vaccinator for the district.

14. The powers of the poor law board under section nine of the principal Act, with respect to contracts for vaccination entered into under the provisions of that Act, shall extend to contracts for vaccination entered into under the provisions of any other Act.

Extension of  
sect. 9. of  
30 & 31 Vict.  
c. 84, as to  
contracts for  
vaccination.

15. The poor law board may, by order, from time to time repeal, alter, and add to the forms contained in the schedule to the principal Act, and the reference in the principal Act or this Act to the forms in such schedule or to any forms shall be construed to refer to the forms prescribed by any such order (a).

Alteration of  
forms.

16. After the establishment of the local government board under any Act passed in the present session, this Act shall be construed as if the words local government board were throughout it substituted for the words poor law board or lords of Her Majesty's privy council respectively (b).

Substitution  
of local  
government  
board for poor  
law board and  
privy council.

17. After the commencement of this Act, the principal Act shall be repealed to the extent specified in the third column of the schedule to this Act: provided that this repeal shall not affect anything done or suffered before the passing of this Act, or any right, interest, or liability accrued before the passing of this Act, or any remedy or proceeding in respect of any such thing, right, interest, or liability.

As to repeal of  
part of prin-  
cipal Act.

### SCHEDULE.

Session and Chapter.	Title.	Extent of Repeal.
30 & 31 Vict. c. 84.	The Vaccination Act of 1867.	Section fourteen; so much of section twenty-three "as requires a parent "to submit any certificate, or pre- "scribes the time within which any "certificate is to be transmitted;" and the following words in section twenty-four, namely, "and another "fee of threepence in respect of "every such child whose certificate "he shall have registered as herein "provided, and he shall receive a "fee of one penny in respect of "each child whose certificate he "shall have registered without hav- "ing registered the birth;" and section twenty-seven.

(a) See *ante*, p. 1297, and the order of the local government board, dated 30th November, 1871.

(b) See 34 & 35 Vict. c. 70.

## 34 &amp; 35 VICT. CHAP. 103.

AN ACT to amend the Law relating to the Customs and  
Inland Revenue. [21st August, 1871.]

\* \* \* \* \*

Exemption of  
commissioners  
from serving  
on juries, &c.

30. Every person acting as a commissioner in the execution of the Income Tax Acts, to whom a certificate thereof has been granted by the commissioners of inland revenue under the thirty-fifth section of the Act of the fifth and sixth years of Her present Majesty's reign, chapter thirty-five, shall, so long as such certificate continues in force, be discharged, not only from the several offices referred to in the said enactment, but from serving on juries in the county where such person shall dwell, any statute to the contrary notwithstanding.

\* \* \* \* \*

## 34 &amp; 35 VICT. CHAP. 108.

AN ACT to regulate and control the Discharge of Paupers from  
Workhouses and Wards provided for the Casual Poor.  
[21st August, 1871.]

WHEREAS doubts are entertained as to the length of time for which paupers may be lawfully required to remain in workhouses after giving notice of their intention to discharge themselves therefrom; and it is expedient that such doubts should be removed, and that further provision should be made for regulating and controlling the discharge of paupers from workhouses and wards provided for wayfarers and wanderers, for dealing with disorderly paupers in the workhouse, and for the suppression of vagrancy:

\* \* \* \* \*

Short title.

1. This Act may be cited as "The Pauper Inmates Discharge and Regulation Act, 1871."

Extent of Act.

2. This Act shall not apply to Scotland or Ireland.

Interpretation.

3. In this Act, unless the context otherwise requires, words have the same meaning as in the Poor Law Amendment Act, 1834, and the Metropolitan Poor Act, 1867, and the several Acts amending and extending those Acts respectively:

The term "casual ward" means any ward or wards, building or premises, set apart or provided for the reception and relief of destitute wayfarers and wanderers:

The term "casual pauper" means any destitute wayfarer or wanderer applying for or receiving relief:

The term "union" includes any parish under a separate board of guardians:

The term "poor law board" in this Act shall be construed to apply to the local government board as and when the same is established.

4. The guardians of any union may direct that any pauper inmate of the workhouse, or the paupers of any class therein, shall be detained in the workhouse, after giving notice to quit the same, for times not exceeding the limited periods herein-mentioned; that is to say,

Certain pau-  
pers may be  
detained in  
the workhouse  
for limited  
periods.

1. If the pauper has not previously discharged himself from the workhouse within one month before giving the notice, twenty-four hours :
2. If he has discharged himself once or oftener within such month, forty-eight hours :
3. If he has discharged himself more than twice within two months before giving the notice, seventy-two hours :

And every such pauper shall be detained in the workhouse for the time specified accordingly.

Provided as follows :—

Provisoos.

(1.) That the guardians may from time to time alter or rescind such direction ; and they, or, in the interval between their meetings, the visiting committee whose direction shall be entered in the visitors book, may exempt, either wholly or partially, any pauper from the operation of this section :

(2.) That the master or other person having charge of the workhouse may, if the board of guardians be not sitting or the visiting committee be not in attendance, discharge any pauper to whom this section shall apply before the expiration of any such period as aforesaid if any circumstances shall in his opinion require this to be done, and shall report the facts of the case to the board of guardians at their next meeting :

(3.) That this section shall not apply to casual paupers.

5. A casual pauper shall not be entitled to discharge himself from a casual ward before eleven o'clock in the morning on the day following his admission, nor before he has performed the work prescribed for him, as hereinafter mentioned ; and where a casual pauper has been admitted on more than two occasions during one month into any casual ward of the same union, he shall not be entitled to discharge himself before nine o'clock in the morning of the third day after his admission, and he may at any time during that interval be removed by any officer of the guardians, or by a police constable, to the workhouse of the union, and be required to remain in such workhouse for the remainder of the period of his detention.

Discharge of  
and detention  
of casual  
paupers.

Provided, with respect to the metropolis, as follows :

(1.) That in determining the number of admissions of a casual pauper every casual ward in the metropolis shall be deemed to be a casual ward of the same union :

Provisoos  
(metropolis).

- (2.) That the expression “workhouse of the union” in this section shall include any workhouse and any asylum provided under the Metropolitan Poor Act, 1867, for the reception and setting to work of the casual poor, to which the casual poor of the union can be sent.

Diet and discipline of casual paupers.

6. Every casual pauper shall, subject to the provisions of this Act, be admitted, dieted, and set to work and discharged in such manner and shall be subject to such regulations as the poor law board shall prescribe, and the work so prescribed shall supersede any task of work prescribed under section five of the fifth and sixth Victoria, chapter fifty-seven.

Casual paupers absconding, &c. to be deemed idle and disorderly persons under s. 3;

7. Any pauper who—

(1.) Absconds or escapes from or leaves any casual ward before he is entitled to discharge himself therefrom; or

(2.) Refuses to be removed to any workhouse or asylum under the provisions of this Act; or

(3.) Absconds or escapes from or leaves any workhouse or asylum during the period for which he may be detained therein; or

(4.) Refuses or neglects, whilst an inmate of any casual ward, workhouse, or asylum, to do the work or observe the regulations prescribed; or

(5.) Wilfully gives a false name or makes a false statement for the purpose of obtaining relief,

shall be deemed an idle and disorderly person within the meaning of section three of the fifth George the Fourth, chapter eighty-three.

and after first conviction, or destroying clothes, rogues and vagabonds, under s. 4 of 5 Geo. 4, c. 83.

And every pauper who—

(1.) Commits any of the offences before mentioned after having been previously convicted as an idle and disorderly person; or

(2.) Wilfully destroys or injures his own clothes or damages any of the property of the guardians,

shall be deemed a rogue and vagabond within the meaning of section four of the same Act.

Provided, that in the case of a pauper suffering from bodily disease of an infectious or contagious character absconding or escaping from or leaving any workhouse or asylum as aforesaid, the justice convicting him of the offence may suspend the execution of the warrant of commitment, and may order the pauper to be taken back to such workhouse or asylum, there to remain until he shall be cured or otherwise lawfully discharged therefrom, and when he shall be cured the warrant of commitment shall be put in execution by order of the said justice or some other justice having jurisdiction in the place; any officer of such workhouse or asylum, or any constable, may apprehend the pauper, who may have so absconded or escaped from or left the same, and take him before a justice without having

previously obtained a summons or warrant, and upon the order of the justice take him back to the workhouse or asylum (a).

And provided also, that where any casual pauper is taken before a justice charged with any offence under this Act the justice may, if he think fit, grant a certificate to the person who has preferred the charge for the amount of the expenses incurred by him in relation thereto, and such certificate shall have the same effect, and the amount mentioned therein shall be paid and recovered in like manner, as in the case of a certificate granted by justices in petty sessions under section fourteen of the Act of the eighteenth and nineteenth years of Victoria, chapter one hundred and twenty-six.

8. The master or porter of the workhouse or the officer having charge of the casual wards of any union may take before a justice having jurisdiction therein any inmate of the workhouse or casual wards who shall be charged with any disorderly conduct, offence, or misbehaviour therein, punishable upon summary conviction, without any summons or warrant, and may, if such inmate shall be committed by the justice to gaol and no constable shall be present to execute the warrant, convey him to such gaol, unless a constable shall be found to whom he may deliver him to be conveyed, according to the exigency of the warrant; and for the purposes of this clause such master, porter, or officer shall have all the powers and authorities of a constable.

Workhouse officers may take disorderly pauper before justices without warrant.

9. The guardians of every union shall provide within their respective unions such casual wards, with such fittings and furniture as the poor law board, in their judgment, regard being had to the number of casual paupers likely to require relief therein, shall consider necessary.

Guardians to provide proper casual wards.

10. Where any district hereafter formed by the poor law board for the relief of the casual poor or any other class or classes under section six of the Metropolitan Poor Act, 1867, is conterminous with any district previously formed under the same section for the relief of some other class or classes, the poor law board may by order direct that the managers of any such last-mentioned district shall be the managers also of all or any of the districts conterminous with it which may be subsequently formed; and the expenses of providing any asylum for the reception and relief of the casual poor under section five of the Metropolitan Poor Act, 1867, and the maintenance of such poor therein, shall be repayable in like manner as expenses for the provision of wards for the same class of poor under section sixty-nine of the said Act.

Provision as to asylums for the casual poor in the metropolis.

11. The provisions contained in this Act with respect to the discharge and detention of paupers shall take effect and may be enforced notwithstanding the provision contained in section five of the fifth and sixth Victoria, chapter fifty-seven, limiting the time for which inmates of workhouses may be detained therein for the performance of a task of work.

This Act to take effect notwithstanding sect. 5 of the 5 & 6 Vict. c. 57.

(a) See 30 & 31 Vict. c. 106, s. 22.

## 34 &amp; 35 VICT. CHAP. 112.

AN ACT for the more effectual Prevention of Crime.

[21st August, 1871.]

\* \* \* \* \*

As to care of  
children of  
women con-  
victed of  
crimes.

14. Where any woman is convicted of a crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of the Industrial Schools Act, 1866, \* \* \* apply (*a*), and the court by whom such woman is convicted, or two justices or a magistrate, shall have the same power of ordering such children to be sent to a certified industrial school as is vested in two justices or a magistrate by the fourteenth section of the Industrial Schools Act, 1866, \* \* \* in respect of the children in the said section described.

\* \* \* \* \*

## 35 VICT. CHAP. 2.

AN ACT to extend and explain the Law relating to Loans for purposes connected with the Relief of the Poor.

[25th March, 1872.]

WHEREAS it is expedient that the provisions of the law relating to the borrowing of money for purposes connected with the relief of the poor should be extended and explained :

\* \* \* \* \*

The limit of  
expenditure  
for building  
and furnish-  
ing district  
schools in the  
metropolis  
extended.

1. The limit imposed by the sixteenth clause of the Poor Law Amendment Act, 1851 (*b*), upon the amount to be raised for the purpose of building, fitting up, and furnishing schools for school districts formed in the metropolis under the Poor Law Amendment Act, 1844 (*c*), or any Act extending or explaining the same, shall be increased from one third to two thirds of the annual average of the expenditure therein referred to.

Sect. 14 of  
30 & 31 Vict.  
c. 106,  
declared to  
apply to the  
metropolis.

2. The fourteenth clause of "The Poor Law Amendment Act, 1867," which increases the limit of the amount to be raised for the purpose of building workhouses, shall be deemed to have applied and to apply to the metropolis, anything in the Metropolitan Poor Act, 1867 (*d*), to the contrary notwithstanding.

Sect. 5 of  
32 & 33 Vict.  
c. 45,  
explained.

3. It is hereby declared and enacted that the fifth section of "The Union Loans Act, 1869," does not prevent the guardians

(*a*) See 29 & 30 Vict. c. 118, s. 14.(*d*) See 30 Vict. c. 6, s. 1 (1) ; and(*b*) See 14 & 15 Vict. c. 105.

32 &amp; 33 Vict. c. 102, s. 37.

(*c*) See 7 & 8 Vict. c. 101, s. 40.

of any union or parish from borrowing money to be repaid within a less period than thirty years.

4. Whereas persons have advanced money or incurred personal liabilities on behalf of the guardians of their union or parish at the request of such guardians, and for the benefit of the union or parish, when the borrowing powers of such guardians have been exhausted, and the provisions of the existing law do not enable such persons to be reimbursed their advances, or to be released from their liability, and is expedient to provide a remedy for them: Be it therefore enacted, that where before the passing of this Act any guardian or other person shall at the request of the board of guardians of a union or parish have advanced money or incurred any such liability as aforesaid, for the benefit of the union or parish, to enable the workhouse or other works of such union or parish to be completed, when the borrowing powers of such board of guardians were exhausted, the local government board may, by their order, on the application of the board of guardians, empower such board to reimburse such guardian or person the amount so advanced, or release him from his liability by the payment of the requisite amount to him or to the person or persons to whom he may be liable, and for this purpose to borrow money, if the said local government board shall think proper, to be repaid in the manner required in respect of loans advanced to guardians; and, in the case of a union, to charge the sums, whether paid at once or borrowed, to the whole of the union, or to such parish or parishes contained therein only as the said board shall direct.

Persons who have made advances to unions and parishes under certain circumstances beyond the borrowing powers may be reimbursed by leave of the local government board.

5. This Act may be cited as “The Poor Law Loans Act, Short title. 1872.”

### 35 VICT. CHAP. 3.

AN ACT for Punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters (*e*).

[23rd April, 1872.]

\* \* \* \* \*

40. \* \* \* no soldier or other person as aforesaid (*f*) shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any authority whatsoever, for any original debt not amounting to thirty pounds, or for not support-

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for not maintaining their families, or for breach of contract.

(*e*) This Act is of course only in force for a year; if the matters to which the sections here given be acted upon in future years, reference

should be made to the Mutiny Act of those years.—W. C. G.

(*f*) *i.e.*, “on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer.”

ing or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any parish, township, or place, or to the common fund of any union, any relation or child which such soldier or person might, if not in Her Majesty's service, be compellable by law to relieve or maintain (a) or for neglecting to pay to the mother of any bastard child, or to any person who may have been appointed to have the custody of such child, any sum to be paid in pursuance of an order on that behalf, \* \* \*

Mode of  
recording a  
soldier's  
settlement.

92. The secretary of state for the war department may, if he think proper, cause any soldier on his discharge and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated himself to have been born, and if delivered at the work-house of that parish or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof; but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted (which summons he is hereby directed to obey) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required: which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices, or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

\* \* \* \* \*

### 35 VICT. CHAP. 4.

AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore (b). [23rd April, 1872.]

\* \* \* \* \*

Marines \* \* \* 54. \* \* \* \* no marine or other person as aforesaid (c) shall be liable by any process whatever to appear before any justice of the peace or any other authority whatsoever, or to be

(a) See 43 Eliz. c. 2, s. 6.

(b) See note to 35 Vict. c. 3, ante.

(c) i.e., "who has received marine enlistment money."

taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any parish, township, or place, or to the common fund of any union, any relation or child which such marine or person might, if not in Her Majesty's service, be compellable by law to relieve or maintain, or for neglecting to pay to the mother of any bastard child or to any person who may have been appointed to have the custody of such child, any sum to be paid in pursuance of an order in that behalf, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; \* \* \* \*

Majesty's  
service for  
debts under  
30%, or for not  
maintaining  
their families,  
or for breach  
of contract.

92. The statement made by a recruit on his attestation of his place of birth shall (until legally disproved) be taken to be the place of his settlement, to which upon his discharge he may be sent by the lord high admiral or the commissioners for executing the office of lord high admiral for the time being, but any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing, upon oath, touching the place of his legal settlement, and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required.

Mode of  
recording a  
marine's  
settlement.

### 35 & 36 VICT. CHAP. 21.

AN ACT to amend the Law relating to Reformatory and Industrial Schools.  
[27th June, 1872.]

WHEREAS it is expedient to enlarge the powers now given to prison authorities in England by the Reformatory Schools Act,

1866, section twenty-eight, and by the Industrial Schools Act, 1866, section twelve :

	*	*	*	*	*
Short title.	1. This Act may be cited as the Reformatory and Industrial Schools Acts Amendment Act, 1872.				
Extent of Act.	2. This Act shall not extend to Scotland or Ireland.				
	*	*	*	*	*

## PART II.

### INDUSTRIAL SCHOOLS.

Construction of part of Act. 6. This part of this Act shall be construed as one with "The Industrial Schools Act, 1866," and that Act and this part of this Act may be cited together as the Industrial Schools Acts, 1866 and 1872.

Extension of power of prison authority under 29 & 30 Vict. c. 118, s. 12. 7. Whereas by section twelve of "The Industrial Schools Act, 1866," it is provided that "a prison authority in England may from time to time contribute such sums of money, and on such conditions, as they think fit towards the alteration, enlargement, or re-building of a certified industrial school, or towards the support of the inmates of such school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school," subject to the provisos therein contained : Be it enacted, that the said section shall extend to authorise the prison authority themselves to undertake anything towards which they are authorised by that section to contribute ; and "The Industrial Schools Act, 1866," shall be construed as if in the said section, so far as it relates to England, the expressions "contribute towards" and "contribution" included respectively "undertake" and "undertaking" ; and the expenses of a prison authority in England incurred in pursuance of this section shall be defrayed accordingly.

Power to contribute towards ultimate disposal of inmates of certified industrial schools. 9. A prison authority in England may contribute towards the ultimate disposal of any inmate of a certified industrial school established by such authority in pursuance of this part of this Act, and the expenses incurred by a prison authority in England in pursuance of this section shall be deemed to be expenses incurred by such authority in carrying into effect the provisions of the Industrial Schools Act, 1866.

### 35 & 36 VICT. CHAP. 33.

AN ACT to amend the Law relating to Procedure at Parliamentary and Municipal Elections. [18th July, 1872.]

Use of school and public room for poll. 6. The returning officer at a parliamentary election may use, free of charge, for the purpose of taking the poll at such elec-

tion \* \* \* any room the expense of maintaining which is payable out of any local rate (*a*), but he shall make good any damage done to such room, and defray any expense incurred by the person or body of persons, corporate or unincorporate, having control over the same on account of its being used for the purpose of taking the poll as aforesaid.

The use of any room in an unoccupied house for the purpose of taking the poll shall not render any person liable to be rated or to pay any rate for such house.

\* \* \* \* \*

### 35 & 36 VICT. CHAP. 60.

AN ACT for the better prevention of Corrupt Practices at Municipal Elections, and for establishing a Tribunal for the trial of the validity of such Elections. [6th August, 1872.]

\* \* \* \* \*

4. Where it is found by the report of an election court acting under the provisions of this Act that any corrupt practice has been committed by or with the knowledge and consent of any candidate at an election, such candidate shall be deemed to have been personally guilty of corrupt practices at the election, and his election, if he has been elected, shall be void, and he shall (whether he was elected or not) during seven years from the date of the report be subject to the following disqualifications; viz.,

Disqualifications of candidates personally guilty of corrupt practices.

(1.) He shall be incapable of holding or exercising any municipal office or franchise, and of having his name placed on the register, or voting at any municipal election:

(2.) He shall be incapable of acting as a justice of the peace and of holding any judicial office:

(3.) He shall be incapable of being elected to and of sitting or voting in parliament:

(4.) He shall be incapable of being registered or voting as a parliamentary voter:

(5.) He shall be incapable of being employed by any candidate in any parliamentary or municipal election:

(6.) He shall be incapable of acting as overseer or as guardian of the poor.

If any person is upon an indictment or information found guilty of any corrupt practice at an election, or is in any action or proceeding adjudged to pay a penalty or forfeiture for any corrupt practice at an election, he shall, whether he was a candidate at the election or not, be subject during seven years from the date of the conviction or judgment to all the disqualifications mentioned in this section.

\* \* \* \* \*

## 35 &amp; 36 VICT. CHAP. 65.

## AN ACT to amend the Bastardy Laws.

[10th August, 1872.]

7 & 8 Vict.  
c. 101.

WHEREAS an Act was passed in the seventh and eighth years of the reign of Her Majesty, chapter one hundred and one, intituled "An Act for the further amendment of the laws relating to the poor in England:"

And whereas it is expedient to amend the said recited Act with respect to proceedings in bastardy:

\* \* \* \* \*

Short title.

1. This Act may be cited as "The Bastardy Laws Amendment Act, 1872."

Repeal of  
enactments  
as in schedule.

2. The enactments specified in the first schedule to this Act are hereby repealed, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act.

Putative  
father to be  
summoned to  
petty sessions  
on application  
of mother of  
bastard child.

3. Any single woman who may be with child or who may be delivered of a bastard child after the passing of this Act may either before the birth or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, or at any time within the twelve months next after the return to England of the man alleged to be the father of such child, upon proof that he ceased to reside in England within the twelve months next after the birth of such child, make application to any one justice of the peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of the child, and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such justice of the peace shall thereupon issue his summons to the person alleged to be the father of such child to appear at a petty session to be holden after the expiration of six days at least for the petty sessional division, city, borough, or other place in which such justice usually acts.

Justices in  
petty session  
may make an  
order on the  
putative  
father for  
maintenance,  
education,  
&c., of bastard

4. After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of abode, six days at least before the petty session, the justices in such petty session shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be

the father, and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child, under the provisions of the said recited Act, of a sum of money weekly, not exceeding five shillings a week, for the maintenance and education of the child, and of the expenses incidental to the birth of such child, and of the funeral expenses of the child, provided it has died before the making of such order, and of such costs as may have been incurred in the obtaining of such order; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said justices think fit, be calculated from the birth of the child; and if at any time after the expiration of one calendar month from the making of such order as aforesaid it be made to appear to any one justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such justice may, by warrant under his hand and seal, cause such putative father to be brought before any two justices, and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress, and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognizance or otherwise, to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common gaol or house of correction of the county, city, borough, or place where they have jurisdiction, there to remain, without bail or mainprize, for any term not exceeding three calendar months unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied.

child, and  
enforce the  
same by dis-  
tress and  
commitment.

Time of cessation of order.

5. No order for the maintenance and education or for contribution towards the relief of any such child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the death of such child; provided that the justices may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period.

Proof of service of summons in certain cases.

6. In cases where the putative father of any bastard child resides out of the petty sessional district where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit in the form referred to in the second schedule to this Act, or to the like effect, that such summons or order has been duly served.

Payments for bastard children.

7. When and so often as any bastard child for whose maintenance an order has been made by justices on the application of the mother shall become chargeable to any parish or union, any two justices having jurisdiction in the parish or union in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable to receive on account of such parish or union such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one justice for the like period; and any payment so ordered to be made shall be recoverable by the relieving officer or other officer appointed to receive it in the manner provided for the recovery of payments under an order obtained by the mother.

Guardians may recover cost of relief of bastard child in certain cases.

8. When a bastard child becomes chargeable to a union or parish, the guardians may apply to two justices having jurisdiction in the union or parish, in petty sessions, and thereupon such justices may summon the man alleged to be the father of the child to appear before any two justices having the like jurisdiction, to show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance, or, in the event of his not appearing, upon proof of due service of the summons upon him, such justices may, if satisfied that he is the father of the child, upon such evidence as is by this Act required in the case of a summons issued upon the application of the mother, make an order upon such putative father to pay to the guardians or one of their officers such sum, weekly or otherwise, towards the relief of the child, during such time as the child shall continue or afterwards be chargeable, as shall appear to them to be proper; and such

order shall, if the payments required by it to be made be in arrear, be enforced in the manner prescribed by the Act of the eleventh and twelfth Victoria, chapter forty-three, for the enforcing of orders of justices requiring the payment of a sum of money: provided as follows:

1. That no payments shall be recoverable under such order except in respect of the time during which the child is actually in receipt of relief:
2. That an order under this section shall not be made, and, if made, shall cease, except for the recovery of arrears when the mother of the child has obtained an order under this Act:
3. That nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child (*a*):
4. That any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother (*b*):
5. That if after an order has been made under this section the mother should apply for an order under this Act, the order made under this section shall be *primâ facie* evidence that the man upon whom the order is made is the father of the child.
9. The court of quarter sessions, on appeal to them against any order made pursuant to the provisions of this Act, may, if they think fit, reduce the amount directed to be paid for the maintenance and education or on account of the relief of the child named in such order, and they shall thereupon alter the order accordingly.

10. This Act shall be deemed to be incorporated with the said recited Act, and shall be construed as if the said recited Act (except such parts thereof as have been repealed or amended by this Act), and this Act were one Act.

Act incorporated with recited Act.

11. This Act shall not extend to Scotland or Ireland.

Extent of Act.

(*a*) See 4 & 5 Will. 4, c. 76, s. 71.      (*b*) See 7 & 8 Vict. c. 101, s. 4; and 35 & 36 Vict. c. 65, s. 9.

SCHEDULES referred to in the foregoing Act.

### FIRST SCHEDULE.

Date and Chapter of Act.	Title of Act.	Extent of Repeal.
7 & 8 Vict. c. 101.	An Act for the further amendment of the laws relating to the poor in England.	Sections 2 and 3; section 5 from "Provided always," to end of section; and section 7, to "Provided always."
31 & 32 Vict. c. 122	An Act to make further amendments in the laws for the relief of the poor in England and Wales.	Section 41.

### SECOND SCHEDULE.

#### *Affidavit of Service.*

I, *A.B.*, one of the officers of the constabulary of the county of \_\_\_\_\_, make oath and say, that I did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, duly serve the defendant with a summons [*or order*], a true copy whereof is herewith annexed, marked A, by delivering the same personally to the defendant [*or by leaving the same with* \_\_\_\_\_ at the place of abode of the defendant].

[I endorse the copy summons (*or order*) thus \_\_\_\_\_. This paper, marked A, is the paper referred to in the annexed affidavit.

Sworn at \_\_\_\_\_, in the county of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, before me,

*J. B.*,

Justice of the peace for the said county.

## 35 &amp; 36 VICT. CHAP. 68.

AN ACT to make provision for defraying the Expenses of building Barracks and otherwise providing for the Localization of the Military Forces.

[10th August, 1872.]

\* \* \* \* \*

11. All lands acquired by the said secretary of state in pursuance of this Act, which were at the time of such acquisition subject to land tax, to poor or other rates, shall continue liable thereto.

Lands to continue subject to land tax and rates.

\* \* \* \* \*

## 35 &amp; 36 VICT. CHAP. 79.

AN ACT to amend the Law relating to Public Health.

[10th August, 1872.]

\* \* \* \* \*

5. A rural union in this section means any union which is not coincident in area with an urban sanitary district, nor wholly included in an urban sanitary district.

Description of rural sanitary districts and rural sanitary authorities.

The area of a rural union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the guardians of the union shall form the rural sanitary authority of such district, with the following exceptions; that is to say,

- (1.) No elective guardian of any parish belonging to such union, and forming or being wholly included within an urban sanitary district, shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority:
- (2.) Where part of a parish belonging to a rural union forms or is situated in an urban sanitary district, the local government board may, by order, divide such parish into separate wards and determine the number of guardians to be elected by such wards respectively in such manner as to provide for the due representation of the part of the parish lying within the rural sanitary district; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural sanitary authority in the same manner as if no part of such parish formed part of or was situated in an urban sanitary district (a):
- (3.) An *ex-officio* guardian resident in any parish or part of a parish belonging to such union, which parish or part of a parish forms or is situated in an urban sanitary

(a) See 7 & 8 Vict. c. 101, s. 19.

district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

\* \* \* \* \*

Orders of the local government board how to be published.

48. \* \* \* every general order of the local government board, made in pursuance of the Poor Law Amendment Act, 1834, and the several Acts amending the same, shall be published in the *London Gazette*, and when so published shall take effect in like manner and shall be of as much force and validity as any general order of the poor law board made and sent in the manner prescribed by the last-mentioned Acts, and no further proceedings shall be necessary in such behalf; and as regards any single order of the said board, made in pursuance of the said last-mentioned Acts, it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions (a).

\* \* \* \* \*

35 & 36 VICT. CHAP. 92.

AN ACT to render unnecessary the general Appointment of Parish Constables. [10th August, 1872.]

WHEREAS the establishment of an efficient police in the counties of England and Wales has rendered the general appointment of parish constables unnecessary :

\* \* \* \* \*

Parish constables not to be appointed.

Provision for the appointment of parish constables when the quarter sessions deem it necessary.

1. After the twenty-fourth day of March next no parish constable shall be appointed except as herein provided.

2. Whenever the court of general or quarter sessions of any county shall by resolution determine that it is necessary, with a view to the preservation of the peace or the proper discharge of public business therein, that one or more parish constables should be appointed for any parish within the jurisdiction of such court, such constable or constables shall, until the said resolution shall have been rescinded, be and be continued to be appointed for such parish, according to the provisions of the law for the appointment of parish constables then in force (b).

Appointment of the constable to be served upon the person, and his

3. When the justices at the sessions held for this purpose shall have chosen the constable or constables for any parish they shall make out a warrant of appointment and cause it to be served upon each person so chosen, who shall be bound to act as a constable from the time when he shall be served with

(a) See 4 & 5 Will. 4, c. 76, ss. 15—18, 109; 10 & 11 Vict. c. 109, ss. 14—18.  
(b) See 5 & 6 Vict. c. 109.

such warrant, unless he shall submit another person to the justices to be appointed as his substitute, and the justices shall make the appointment of the person so substituted for the time, and subject to the provisions contained in the statute of the fifth and sixth Victoria, chapter one hundred and nine, and the twelfth and thirteenth sections of that statute shall be repealed, and the lists provided for by section fourteen shall be sent within fourteen days from the appointment of the constables so made by the justices at the said sessions.

attendance  
and swearing  
at the ses-  
sions dis-  
pensed with.

4. The vestry of any parish not included wholly or in part within a borough, after due notice, may at any time resolve that one or more parish constables shall be appointed for their parish, and in such resolution may fix the amount of salary to be paid to him or them, which salary shall be paid out of the poor rate of the said parish, and a copy of such resolution shall be delivered by one of the overseers or some other officer of the parish to the justices of the petty sessional division in which the parish is situated, and such justices may appoint, by warrant under the hand and seal of two of them, some fit and competent person or persons willing to serve the office to be the constable or constables for the said parish, who shall hold his or their office until he or they shall resign or be dismissed for misconduct or incompetency by the justices of the said division, or the vestry shall determine to discontinue the appointment of a constable at the expiration of not less than six months from the day on which a copy of such resolution shall be delivered to the justices of the said division, and until the vestry shall come to such determination the justices shall renew the appointment upon the occurrence of any vacancy in the office.

Paid constable  
may be ap-  
pointed for  
a parish on  
application  
of the vestry.

Provided that if the vestry shall deem it right that the salary should be increased at any time when the office is not vacant, they may upon due notice pass a resolution to that effect, and a copy thereof shall be delivered by the overseer or other officer to the justices in petty sessions, and a copy thereof shall be endorsed on the warrant of appointment and be signed by two justices at such petty sessions.

5. Two or more such parishes as aforesaid may unite for the appointment by the justice of a constable if the vestries thereof pass separate resolutions and agree upon the proportionate parts of the salary to be paid in respect of each parish, and in any such case the justices, or if the parishes be situated in two petty sessional divisions, the justices of each of such two petty sessional divisions may appoint the same person to be the constable for the parishes so united, to hold his office at one salary, payable where requisite out of the poor rate of the several parishes according to the proportions agreed upon, and shall certify the amount to be paid by each parish respectively by indorsement on the warrant of appointment.

Two or more  
parishes may  
be united for  
the appoint-  
ment.

6. Every paid constable appointed for any parish previous to the passing of this Act may continue to hold his office in like manner as if this Act had not been passed.

Tenure of the  
office of exist-  
ing paid con-  
stables.

Duties,  
powers, and  
immunities  
of parish con-  
stable.

7. Every constable appointed under this Act shall be subject to the authority of the chief constable of the county, riding, or division in which the parish for which such constable may be appointed to act shall be situated, and all duties, powers, protections, immunities, liabilities, and incidents heretofore imposed upon or belonging to the office of a parish constable shall be imposed upon and belong to the constable to be so appointed, and to the police constable who shall be called upon to act in any matter appertaining to that office by any competent authority; and all fees, charges, and allowances which would have been paid or granted by or under any statute or other legal provision to a parish constable (a), shall be paid or granted to the constable appointed under this Act or to such police constable, to be by them respectively applied in aid of the poor rate of the parish for which such constable shall have been appointed, or in the case of the police constable according to the rules prescribed for the regulation of the police force in such matter.

Fees and  
allowances.

8. No charge shall be made by nor any fee received by any paid constable appointed on the application of the vestry in respect of any service rendered by him to the parish or parishes for which he shall be appointed generally, or to a parish officer of such parish or parishes in respect of matters belonging to the office of such officer.

Charges not  
to be made  
for parish  
business.

9. Where in any proceedings taken by or on behalf of any parish officer who is paid a salary for his services in respect of any matter connected with the duty of his office the justices shall award costs to be paid by the defendant or the party complained against, they may, if they see fit, allow, in settling the amount of such costs, such fees and allowances in respect of the services of the constable as shall appear to them to be just, and shall be in accordance with the scale of fees and allowances then in force in their county; and such fees and allowances shall be received by such constable, and shall be paid by him to the overseers of the parish to be applied in aid of the poor rate.

Fees to  
constables  
may be  
allowed when  
costs awarded  
against defen-  
dant.

10. Every constable appointed under the authority of this Act shall have full power to execute any summons or warrant within any part of the county for which the justice issuing the same shall have jurisdiction, but shall not be compelled to serve any summons or to execute any warrant out of the parish or parishes for which he shall be appointed to act.

Execution of  
process by  
constables  
appointed  
under this  
Act.

11. The fees and allowances to constables settled by the justices at their general or quarter sessions with the consent of one of Her Majesty's principal secretaries of state shall continue to be in force until they shall be altered by the said justices with the like consent, which alteration shall take place from time to time as occasion may require (a).

Fees and  
allowances  
to constables  
remain in  
force till  
altered.

12. Where any fee or allowance is claimed by any constable in respect of any service rendered to an overseer, surveyor of the highways, or other officer of the parish, the same, if law-

How fees and  
allowances to  
be paid and

(a) See 5 & 6 Vict. c. 109, s. 17.

fully due, may be paid to him by such overseer, surveyor, or other officer without any order of justices, but if payment be refused, or cannot be obtained by him on request, he may apply to the justices in petty sessions assembled for an order upon such overseer, surveyor, or other officer, and the said justices, after summoning such officer, may make an order upon him for the payment of such fee or allowance, and their order in this behalf shall be enforceable if not obeyed, in manner directed by the Summary Jurisdiction Act, 1848 (*b*), as orders of justices for the payment of money; and if any overseer, surveyor, or other officer pay money in obedience to such order, the payment shall not be disallowed by any auditor or other authority competent to allow or disallow the accounts of such officer on any ground whatsoever.

13. The following statutes shall from and after the said twenty-fourth day of March next be repealed, except in respect of any matter then arisen or pending out of or in relation to some provision thereof; (that is to say,) Repeal of statutes.

The 13 & 14 of Ch. 2, c. 12, sections 15, 16, 17, and 18.

The 18 of Geo. 3, c. 19, s. 4.

And so much of the statute 2 William and Mary, c. 5, as requires any sheriff or under-sheriff or constable to be aiding and assisting at any distress for rent, or to swear any appraiser thereat, shall be repealed, and no oath shall after the day aforesaid be required from such appraiser.

14. Nothing herein contained shall apply to special constables appointed under the statutes relating thereto, nor to any officer appointed at a court leet or torn for any purpose other than the preservation of the peace in any parish. Exemptions and interpretation of words.

The term "county" shall extend to every riding or division of a county for which there is a separate court of general or quarter sessions.

The term "parish," among other meanings applicable to it, shall signify a place for which a separate poor rate is or can be made or for which a separate overseer is or can be appointed.

The term "constable" shall include every petty constable, headborough borsholder, tithingman, or other peace officer of the like description authorised or required to be appointed for any parish at the date of this Act.

The term "vestry" shall include all meetings of the inhabitants of any township or other place for which a separate overseer is appointed, to be summoned in the like manner and with the like notice as the ordinary meetings of a vestry.

The word "overseers" shall include churchwardens so far as they are authorised by law to act as overseers.

15. The Act may be cited as "The Parish Constables Act, 1872." Title of the Act.

(b) See 11 & 12 Vict. c. 43.

## 35 &amp; 36 VICT. CHAP. 93.

AN ACT for consolidating, with amendments, the Acts relating to Pawnbrokers in Great Britain. [10th August, 1872.]

\* \* \* \* \*

Prohibition of taking in pawn linen, clothing, unfinished goods, &c. in certain cases. 35. If a pawnbroker knowingly takes in pawn any linen or apparel or unfinished goods or materials intrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be guilty of an offence against this Act, and shall be liable, on conviction thereof in a court of summary jurisdiction, to forfeit a sum not exceeding double the amount of the loan (which forfeiture shall be paid to the overseers of the poor of the parish where the offence is committed, for the use of the poor thereof); \* \* \*

\* \* \* \* \*

Notice of first application. 42. A person intending to apply for the first time for a certificate under this Act shall proceed as follows:—

(1.) Twenty-one days at least before the application he shall give notice by registered letter, sent by post, of his intention, to one of the overseers of the poor of the parish or place in which he intends to carry on business \* \* \* and shall in the notice set forth his name and address.

\* \* \* \* \*

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STATUTES CONFIRMING PROVISIONAL ORDERS OF THE POOR LAW BOARD, UNDER 30 & 31 VICT. c. 106, s. 2.

## 31 &amp; 32 VICT. CHAP. cl.

AN ACT to confirm a Provisional Order made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Salisbury. [31st July, 1868.]

## 32 &amp; 33 VICT. CHAP. cxxiii.

AN ACT to confirm three Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the city of Chester, the incorporated hundreds of Tunstead and Happing in the county of Norfolk, and the parish of Woolavington in the county of Sussex.

[26th July, 1869.]

## 34 &amp; 35 VICT. CHAP. lxi.

AN ACT to confirm two Provisional Orders made by the Poor Law Board under the Poor Law Amendment Act, 1867, with reference to the parishes of Shipton Oliffe and Shipton Sollars in the county of Gloucester and to the parish of Dalton in the county of Lancaster. [29th June, 1871.]

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